

ORDINANCE NO. 2019-20

**(SOUTHWEST CORNER BLUE MOUND ROAD (HWY 156) AND EAST BAILEY
BOSWELL ROAD)**

AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 21.296 ACRES OF LAND OUT OF ABSTRACT 1798, HENRY ROBERTSON SURVEY, TRACT 1N, LOCATED AT THE SOUTHEAST CORNER OF BLUE MOUND ROAD (HWY156) AND EAST BAILEY BOSWELL ROAD FROM COMMUNITY COMMERCIAL (CC) AND MULTIFAMILY (MF1) TO COMMUNITY COMMERCIAL (CC) (9.8 ACRES) AND MULTIFAMILY (MF2) (11.49 ACRES) AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; BY AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO SAID PROPERTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Saginaw heretofore adopted Ordinance No. 2002-04, as amended, the Zoning Ordinance of the City of Saginaw, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council has previously passed an ordinance adopting a Comprehensive Land Use Plan, as the primary document on which to base all zoning, platting, and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future

development in conformance with the adopted Future Land Use Map; and

WHEREAS, in accordance with Section 1-3 of the Zoning Regulations of the City, the Planning and Zoning Commission at the request of the City Council, has initiated consideration of a change in zoning classification for the following properties described as: Henry Robertson Survey, Abstract 1798, Tract 1N (Exhibit "A"), Tarrant County, Texas, located in the City of Saginaw, Texas, from Community Commercial (CC) and Multifamily (MF1) to Community Commercial (CC) (9.8 acres) and Multifamily (MF2) (11.49 acres) as shown in Exhibit "B".

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on September 10, 2019 and the City Council of the City of Saginaw, Texas held a public hearing on September 17, 2019 with respect to the zoning changes and amended land use designation described herein; and

WHEREAS, the City Council has determined that an amendment to the Comprehensive Land Use Map, as provided herein, redesignating the below described property from Community Commercial (CC) to Community Commercial (CC) and Multifamily (MF2) land use is appropriate and is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan; and

WHEREAS, the City Council has further determined that the requested rezoning of the below described property is in the best interest of the citizens of Saginaw and is necessary to correct a manifest error in the regulations or map, to recognize changed conditions or circumstances in a particular locality, or to recognize changes in technology, the style of living, or manner of doing business; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and

procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, THAT:

SECTION 1.

The Saginaw, Texas, Comprehensive Land Use Plan, dated July 2016, as amended, is hereby amended by changing the Future Land Use Map to redesignate the hereinafter described property and area -as follows:

Approximately 21.295 acres of land and being more fully described as:

Henry Robertson Survey, Abstract 1798, Tract 1N

From Community Commercial (CC) and Multi-Family (MF1) to Community Commercial (CC) and Multifamily (MF2), as depicted in Exhibit "C," hereto.

SECTION 2.

Ordinance No. 2002-04, as amended, is hereby amended by rezoning the Property described above from Community Commercial (CC) and Multifamily (MF1) to Community Commercial (CC) and Multifamily (MF2) as shown in Exhibit "B," hereto.

SECTION 3.

The zoning districts as herein established have been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals and general welfare of the community.

SECTION 4.

The official zoning map of the City of Saginaw is hereby amended and the City Secretary is hereafter directed to revise the zoning map to reflect zoning classification as set forth above.

SECTION 5.

The City Secretary is directed to revise the Future Land Use Map to reflect the revised land use designations as set forth above.

SECTION 6.

The use of the property described above shall be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Saginaw.

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Saginaw, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 8.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 9.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses

to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense

SECTION 10.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04, as amended, or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11.

The City Secretary of the City of Saginaw is hereby directed to publish in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Texas Local Government Code.

SECTION 12.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 17th DAY OF SEPTEMBER 2019.

MAYOR, TODD FLIPPO

ATTEST:

CITY SECRETARY, JANICE ENGLAND

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY, BRYN MEREDITH

EXHIBIT "A"

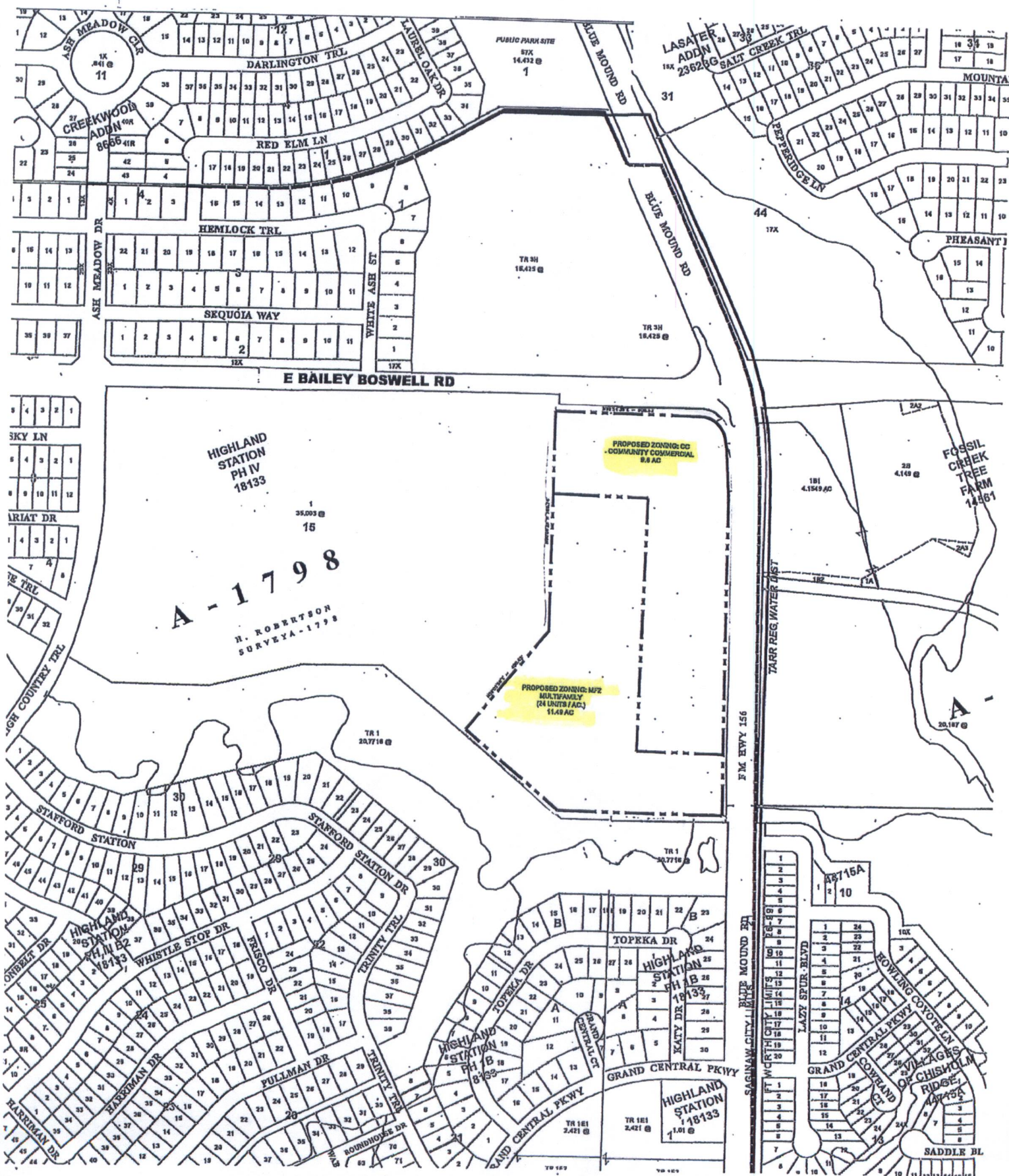


EXHIBIT "B"

MULTIFAMILY TRACT

Being all that certain 11.492 acre tract of land situated in the Henry Robertson Survey, Abstract No. 1798, City of Saginaw, Tarrant County, Texas and being a portion of that certain tract of land conveyed to UCD Saginaw, LP, by deed recorded in Instrument Number D216057686, Official Public Records, Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod with metal cap found for the northwest corner of said UCD tract, same being the Southwest corner of that certain tract of land dedicated for right-of-way to City of Saginaw, by deed recorded in Volume 12586, Page 2082, said Deed Records, same being in the South right-of-way line of Bailey Boswell Road (75 foot right-of-way per Volume 388-211, Page 59 and Volume 12586, Page 2082), same being the Northeast corner of Lot 1, Block 15, Highland Station Phase IV, an addition to the City of Saginaw, Tarrant County, Texas, according to the plat thereof recorded under Cabinet A, Slide 3462, Plat Records, Tarrant County, Texas;

THENCE South 00 deg. 06 min. 29 sec. East, along the common line of said UCD tract and said Lot 1, a distance of 290.36 feet to a point for the northwest corner of the herein described tract, same being the POINT OF BEGINNING;

THENCE through the interior of said UCD tract as follows:

South 89 deg. 22 min. 50 sec. East, a distance of 90.83 feet to a point for angle point;

South 89 deg. 25 min. 51 sec. East, a distance of 237.89 feet to a point for angle point;

South 00 deg. 37 min. 18 sec. West, a distance of 880.68 feet to a point for internal corner;

South 89 deg. 23 min. 43 sec. East, a distance of 296.71 feet to a point for corner, same being in an easterly line of said UCD tract, same being in the westerly right-of-way line of Blue Mound Road (Farm to Market 156, called 120 foot right-of-way);

THENCE South 00 deg. 35 min. 42 sec. East, along the common line of said UCD tract and said Blue Mound Road, a distance of 214.45 feet to a 1/2 inch iron rod with "YP Associates" cap found for the Southeast corner of said UCD tract, same being the most easterly Northeast corner of that certain tract of land conveyed as Tract I to City of Saginaw, by deed recorded in Volume 13636, Page 421, aforesaid Deed Records, Tarrant County, Texas;

THENCE along the common line of said UCD tract and said City of Saginaw tract (Volume 13636, Page 421) as follows:

South 89 deg. 53 min. 58 sec. West, a distance of 566.36 feet to a 1/2 inch iron rod found for the most southerly Southwest corner of said UCD tract;

North 50 deg. 45 min. 13 sec. West, a distance of 432.04 feet to a 1/2 inch iron rod found for the most westerly Southwest corner of said UCD tract, same being the most southerly corner of aforesaid Lot 1;

THENCE along the common line of said UCD tract and said Lot 1 as follows:

North 39 deg. 02 min. 59 sec. East, a distance of 450.45 feet to a 1/2 inch iron rod found for angle point;

North 00 deg. 06 min. 29 sec. West, a distance of 479.38 feet to the POINT OF BEGINNING and containing 500,592 square feet or 11.492 acres of computed land, more or less.

COMMERCIAL

Being all that certain 9.804 acre tract of land situated in the Henry Robertson Survey, Abstract No. 1798, City of Saginaw, Tarrant County, Texas and being a portion of that certain tract of land conveyed to UCD Saginaw, LP, by deed recorded in Instrument Number D216057686, Official Public Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with metal cap found for the northwest corner of said UCD tract, same being the Southwest corner of that certain tract of land dedicated for right-of-way to City of Saginaw, by deed recorded in Volume 12586, Page 2082, said Deed Records, same being in the South right-of-way line of Bailey Boswell Road (75 foot right-of-way per Volume 388-211, Page 59 and Volume 12586, Page 2082), same being the Northeast corner of Lot 1, Block 15, Highland Station Phase IV, an addition to the City of Saginaw, Tarrant County, Texas, according to the plat thereof recorded under Cabinet A, Slide 3462, Plat Records, Tarrant County, Texas;

THENCE North 89 deg. 54 min. 35 sec. East, along the common line of said UCD tract and the South right-of-way line of said Bailey Boswell Road (per deed recorded in Volume 12586, Page 2082), a distance of 500.63 feet to a 1/2 inch iron rod set with "Peiser & Mankin SURV" red plastic cap (hereinafter referred to as 1/2 inch iron rod set) for the most northerly Northeast corner of said UCD tract, same being in the intersection of said Bailey Boswell Road and Blue Mound Road (Farm to Market 156, called 120 foot right-of-way), same being the beginning of a curve to the right, having a radius of 90.00 feet, a central angle of 79 deg. 45 min. 28 sec., and a chord bearing and distance of South 50 deg. 12 min. 36 sec. East, 115.41 feet;

THENCE along said curve to the right in said intersection (per deed recorded in Volume 12586, Page 2082), an arc distance of 125.28 feet to a 1/2 inch iron rod set for angle point, same being the South

corner of said City of Saginaw tract, same being in the West right-of-way line of said Blue Mound Road, same being in the East line of said UCD tract;

THENCE along the common line of said UCD tract and said Blue Mound Road as follows:

South 10 deg. 11 min. 47 sec. East, a distance of 37.38 feet to a 1/2 inch iron rod set for angle point;

South 03 deg. 51 min. 11 sec. East, a distance of 165.03 feet to a 1/2 inch iron rod found for angle point;

South 00 deg. 35 min. 42 sec. East, a distance of 902.99 feet to a point for the southeast corner of the herein described tract;

THENCE through the interior of said UCD tract as follows:

North 89 deg. 23 min. 43 sec. West, a distance of 296.71 feet to a point for the most southerly southwest corner of the herein described tract;

North 00 deg. 37 min. 18 sec. East, a distance of 880.68 feet for angle point;

North 89 deg. 25 min. 51 sec. West, a distance of 237.89 feet to a point for angle point;

North 89 deg. 22 min. 50 sec. West, a distance of 90.83 feet to a point for the most westerly southwest corner of the herein described tract, same being in a westerly line of said UCD tract, same being in the easterly line of aforesaid Lot 1;

THENCE North 00 deg. 06 min. 29 min. West, along the common line of said UCD tract and said Lot 1, a distance of 290.36 feet to the POINT OF BEGINNING and containing 427,053 square feet or 9.804 acre of computed land, more or less.

EXHIBIT "C"

