

CITY OF CELINA, TEXAS

ORDINANCE 2006-25

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING ON A CERTAIN 269.4 ACRE TRACT OF LAND SITUATED IN THE STATE OF TEXAS, THE COUNTY OF DENTON AND THE CITY OF CELINA, BEING A PART IN THE J. CURBELLO SURVEY, ABSTRACT NUMBER 213, AND THE A.H. GEE SURVEY, ABSTRACT NUMBER 1522, OF THE CITY OF CELINA, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FROM ITS CURRENT ZONING OF "AG - AGRICULTURE" TO "PD - PLANNED DEVELOPMENT, PARKWOOD REALTY"; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR ZONING CLASSIFICATION AMENDMENT; PROVIDING THAT THE ZONING MAP SHALL BE REVISED TO REFLECT THE PD DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING FOR COMPLIANCE WITH THE CITY'S COMPREHENSIVE ZONING ORDINANCE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a Type A General Law Municipality located in Collin County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7, Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, Title 7, Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, a change in the zoning district classification has been requested for the property more specifically described in Exhibit "A" attached hereto; and

WHEREAS, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and does hereby find that the requested rezoning accomplishes such objectives and is consistent with the provisions of The Comprehensive Plan of the City of Celina; and

WHEREAS, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

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

SECTION 1
INCORPORATION OF PREMISES

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
ZONING CLASSIFICATIONS AMENDED

That the zoning classification on that certain tract of land more particularly described in Exhibit "A" is hereby amended by providing a designation in the zoning to "PD – Planned Development".

SECTION 3
ZONING AND DEVELOPMENT STANDARDS

Ordinance No. 97-10 of the City of Celina, Texas, the same being the City's

Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the Land, more particularly described in Exhibit "A", attached hereto and incorporated herein, as "PD – Planned Development" with a base zone district of C-2, Commercial District allowing a maximum of 1,000 units of Multi-family units developed to R-4, Multi-family District standards for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the City, as amended.

SECTION 4
APPLICABLE REGULATIONS

In all respects the Land shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance, as amended, and all other applicable and pertinent ordinances and regulations of the City.

SECTION 5
ZONING MAP REVISED

That the City Administrator for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 6
COMPLIANCE REQUIRED

That the property described in Exhibit "A" attached hereto shall be used only in the manner and for the purposes provided for in Comprehensive Zoning Ordinance No. 97-10, of the City of Celina as amended.

SECTION 7
PENALTY CLAUSE

7.01 Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance creates a threat to the public safety, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 9
SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting Comprehensive Zoning Ordinance No. 97-10 or the zoning and development of land within the City of Celina, which have secured 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 court.

SECTION 10
SEVERABILITY

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

SECTION 11
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official newspaper of the City of Celina, the Caption, Penalty and Effective Date Clause of this Ordinance as required by the Texas Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Publication Clause, Penalty and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law.

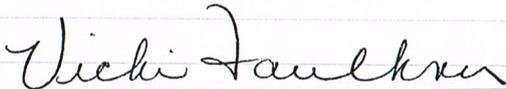
AND IT IS SO ORDAINED

PASSED AND APPROVED by the City Council of the City of Celina, Texas, this 11th day of April, 2006.



Corbett Howard, Mayor
City of Celina, Texas

ATTEST:



Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to be 'L. M.', written over a horizontal line.

City Attorney
City of Celina, Texas

**** PROPERTY DESCRIPTION ****

All that certain tract or parcel of land situated in the J. Curbello Survey, Abstract Number 213, and the A. H. Gee Survey, Abstract Number 1522, County of Denton, State of Texas, said tract being all of Tract 1 a called 119.191 acre tract, and all of Tract 2, a called 150.164 acre tract as described in deed to Parkwood LP, filed 29 September 2003, and recorded in volume 5427 page 177 of the real property records of the County of Denton, State of Texas, and being more fully described as follows:

Beginning for the southeast corner of the tract being described herein at the southeast corner of said Tract 2, at the intersection of the center of County Line Road, same being Collin County Road Number 10, and the north line of Farm to Market Road Number 455;

Thence: With the north line of said FM road, the following three (3) calls:

1. North 52 degrees 17 minutes 25 seconds West, a distance of 1151.46 feet,
2. North 46 degrees 26 minutes 12 seconds West, a distance of 104.86 feet,
3. North 52 degrees 14 minutes 52 seconds West, a distance of 471.74 feet to the southwest corner of said Tract 2;

Thence: North 00 degrees 51 minutes 17 seconds East, with the west line of said Tract 2 a distance of 4147.52 feet to the northwest corner of said Tract 2 on the south line of said Tract 1 and in the center of Fritcher Road;

Thence: With the center of said Fritcher Road, and with the south line of said Tract 1, the following three (3) calls:

1. North 88 degrees 18 minutes 26 seconds West, a distance of 1563.30 feet,
2. North 78 degrees 14 minutes 39 seconds West, a distance of 173.26 feet,
3. North 87 degrees 57 minutes 49 seconds West, a distance of 185.41 feet to the southwest corner of said Tract 1;

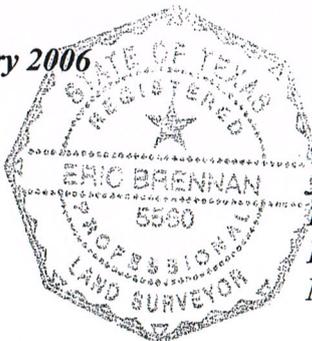
Thence: North 00 degrees 59 minutes 16 seconds East, with the west line of said Tract 1, a distance of 1534.78 feet to the northwest corner of said Tract 1;

Thence: South 87 degrees 52 minutes 13 seconds East, with the north line of said Tract 1, a distance of 3352.50 feet to the northeast corner of said Tract 1 in the center of said County Line Road;

Thence: South 01 degrees 17 minutes 53 seconds West, with the east line of said Tract 1, and with said road, a distance of 1540.52 feet to the southeast corner of said Tract 1, same being the northeast corner of said Tract 2, same being the intersection of County Line Road and Fritcher Road;

Thence: South 01 degrees 23 minutes 52 seconds West, with the east line of said Tract 2, and with said County Line Road, a distance of 5171.90 feet to the **POINT OF BEGINNING** and containing **269.4 acres** of land more or less.

16 February 2006




Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560



Scale
1" = 1000'

Sadot Venture, Ltd.
c/o Shula Netzer Real Estate Co.
16950 Dallas Pkwy. #120
Dallas, TX 75248
Clerks #03-203006
L.U. Cropland
Not Zoned

John Davis
Survey A-254
Collin County

Dynavest Joint Venture
Attn: Robert I. Swisher
5605 Bent Tree Drive
Dallas, TX 75248
Vol. 2288 Pg. 119
L.U. Cropland
Not Zoned

All that certain tract or parcel of land situated in the J. Curbello Survey, Abstract Number 213, and the A. H. Gee Survey, Abstract Number 1522, County of Denton, State of Texas, said tract being all of Tract 1 a called 119.191 acre tract, and all of Tract 2, a called 150.164 acre tract as described in deed to Parkwood LP, filed 29 September 2003, and recorded in volume 5427 page 177 of the real property records of the County of Denton, State of Texas, and being more fully described as follows:

Beginning for the southeast corner of the tract being described herein at the southeast corner of said Tract 2, at the intersection of the center of County Line Road, same being Collin County Road Number 10, and the north line of Farm to Market Road Number 455:

Thence: With the north line of said FM road, the following three (3) calls:
1. North 52 degrees 17 minutes 25 seconds West, a distance of 1151.46 feet.
2. North 46 degrees 26 minutes 12 seconds West, a distance of 104.86 feet.
3. North 52 degrees 14 minutes 52 seconds West, a distance of 471.74 feet to the southwest corner of said Tract 2:

Thence: North 00 degrees 51 minutes 17 seconds East, with the west line of said Tract 2 a distance of 4147.52 feet to the northwest corner of said Tract 2 on the south line of said Tract 1 and in the center of Fritchler Road:

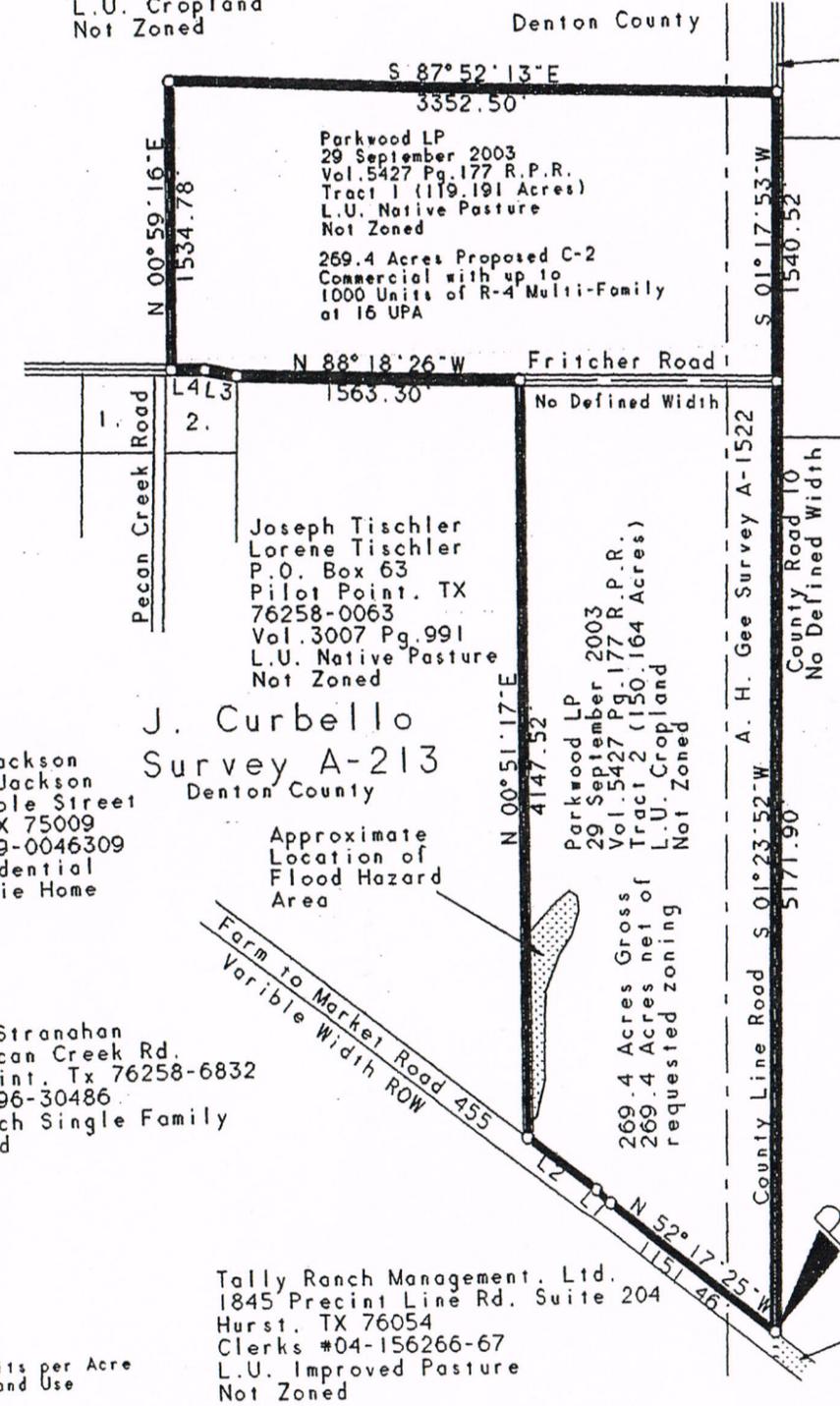
Thence: With the center of said Fritchler Road, and with the south line of said Tract 1, the following three (3) calls:
1. North 88 degrees 18 minutes 26 seconds West, a distance of 1563.30 feet.
2. North 78 degrees 14 minutes 39 seconds West, a distance of 173.26 feet.
3. North 87 degrees 57 minutes 49 seconds West, a distance of 185.41 feet to the southwest corner of said Tract 1:

Thence: North 00 degrees 59 minutes 16 seconds East, with the west line of said Tract 1, a distance of 1534.78 feet to the northwest corner of said Tract 1:

Thence: South 87 degrees 52 minutes 13 seconds East, with the north line of said Tract 1, a distance of 3352.50 feet to the northeast corner of said Tract 1 in the center of said County Line Road:

Thence: South 01 degrees 17 minutes 53 seconds West, with the east line of said Tract 1, and with said road, a distance of 1540.52 feet to the southeast corner of said Tract 1, same being the northeast corner of said Tract 2, same being the intersection of County Line Road and Fritchler Road:

Thence: South 01 degrees 23 minutes 52 seconds West, with the east line of said Tract 2, and with said County Line Road, a distance of 5171.90 feet to the POINT OF BEGINNING and containing 269.4 acres of land more or less.



Bunch Living Trust
P.O. Box 341
Celina, TX 75009
Vol. 5843 Pg. 1119
L.U. Cropland
Not Zoned

J. Cumba
Survey A-242
Collin County

Dynavest Joint Venture
Attn: Robert I. Swisher
5605 Bent Tree Drive
Dallas, TX 75248
Vol. 2288 Pg. 119
L.U. Cropland
Not Zoned

Tract 1.
Carl L. Jackson
Betty J. Jackson
413 E. Maple Street
Celina, TX 75009
Clerks #99-0046309
L.U. Residential
Mobile Home
Not Zoned

J. Curbello
Survey A-213
Denton County

Approximate
Location of
Flood Hazard
Area

Tract 2.
Arla J. Stranahan
11810 Pecan Creek Rd.
Pilot Point, Tx 76258-6832
Clerks #96-30486
L.U. Ranch Single Family
Not Zoned

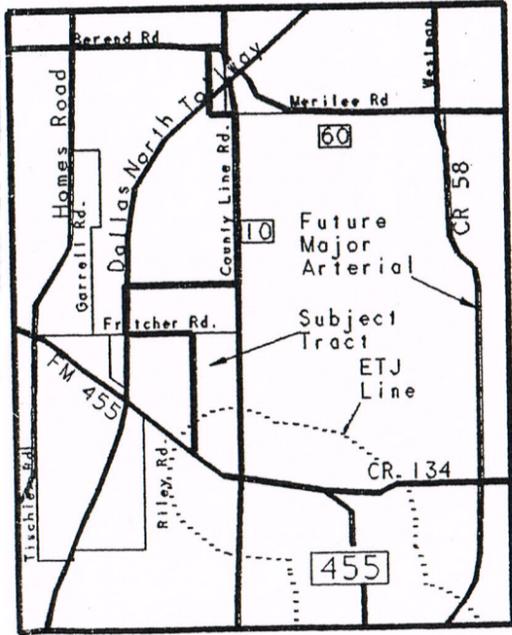
Tally Ranch Management, Ltd.
1845 Precint Line Rd. Suite 204
Hurst, TX 76054
Clerks #04-156266-67
L.U. Improved Pasture
Not Zoned

City of
Celina
Ordinance
1971-2
Tract Six

Note:
UPA - Units per Acre
L.U. - Land Use

Owner/Applicant
Parkwood Realty, LP, a Texas
Limited Partnership
Doris Lam
6449 Lone Grove Ct.
Frisco, Tx. 75034
972-731-8077

LINE	BEARING	DISTANCE
L 1	N 46° 26' 12" W	104.86'
L 2	N 52° 14' 52" W	471.74'
L 3	N 78° 14' 39" W	173.26'
L 4	N 87° 57' 49" W	185.41'



Location Map



Eric Brennan
Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560
16 February 2006

Exhibit A
269.4 Acres in the
J. Curbello Survey A-213
Denton County, Texas
16 February 2006

Drawn by: EB Job No.
Check by: EB 06-0282-57

Brennan Land Surveying

P.O. BOX 1593 114 N. Ohio ST. Celina, Texas 75009
Office 972-382-8577 E-mail: brennansurveying@netzero.com
Fax 972-382-2636