

CITY OF CELINA, TEXAS

ORDINANCE 2006-46

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING ON A CERTAIN 52.0 ACRE TRACT OF LAND SITUATED IN THE STATE OF TEXAS, THE COUNTY OF COLLIN AND THE CITY OF CELINA, BEING PART OF THE S.A. & M.G. R.R. CO. SURVEY, ABSTRACT NUMBER 877 AND THE OUSLEY AND FLOYD SURVEY, ABSTRACT NUMBER 1053 OF THE CITY OF CELINA, COLLIN COUNTY, TEXAS, AND THESE PREMISES BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN TO PD-30, PLANNED DEVELOPMENT DISTRICT WITH A BASE ZONING DESIGNATION OF R-1, SINGLE FAMILY DISTRICT AND ALLOWING UP TOWNHOUSE UNITS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR ZONING CLASSIFICATION AMENDMENT; PROVIDING THAT THE ZONING MAP SHALL BE REVISED TO REFLECT THE PD-30, PLANNED DEVELOPMENT 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

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-30, Planned Development District".

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-30, Planned Development District" with a base zoning district of R-1,

Single Family District with a maximum density of 4 du/acre and allowing townhome units with a maximum density of 12 du/acre, as shown on Exhibit B, 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**

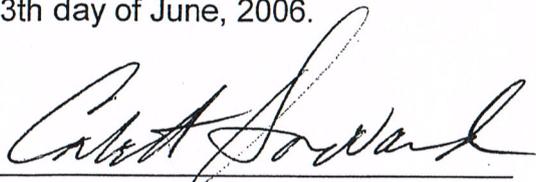
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Publication Clause, Penalty and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 13th day of June, 2006.



Corbett Howard, Mayor
City of Celina, Texas

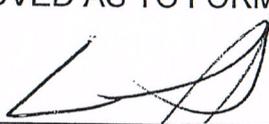
ATTEST:



Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

**** Exhibit "A" ****

All that certain tract or parcel of land situated in the S.A. & M.G. R.R. Co. Survey, Abstract Number 877 and the Ousley and Floyd Survey, Abstract Number 1053, County of Collin, State of Texas, said tract being all of a called 52.028 acre tract as described in Trustee's deed to Jawbaw Family Limited Partnership, filed 11 February 2005, and recorded in volume 5854 page 1895 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

***Beginning** for the southwest corner of the tract being described herein at the southwest corner of said Jawbaw tract in County Road Number 57, same being the southeast corner of a tract as described in Exhibit "B" in deed to G Bar 7, LTD, filed 07 February 2005, and recorded in volume 5850 page 1002 of said deed records;*

***Thence:** North 00 degrees 06 minutes 06 seconds West, with the west line of said Jawbaw tract, a distance of 1671.45 feet to a point being the most westerly northwest corner of said Jawbaw tract, same being an ell corner of said Exhibit "B", and said point being on the south line of Tract IV as described in deed to G Bar 7, LTD, filed 07 February 2005, and recorded in volume 5850 page 990 of said deed records;*

***Thence:** North 83 degrees 23 minutes 27 seconds East, with the north line of said Jawbaw tract, and with the south line of said Tract IV, a distance of 456.80 feet to an ell corner of said Jawbaw tract, same being the southeast corner of said Tract IV;*

***Thence:** North 00 degrees 13 minutes 34 seconds West, with the west line of said Jawbaw tract, and with the east line of said Tract IV, a distance of 800.94 feet to the most northerly northwest corner of said Jawbaw tract;*

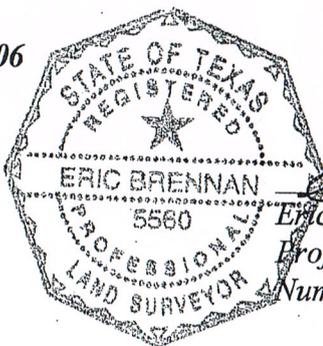
***Thence:** North 89 degrees 48 minutes 54 seconds East, with the north line of said Jawbaw tract, a distance of 308.59 feet to the most northerly northeast corner of said Jawbaw tract;*

***Thence:** With the east line of said Jawbaw tract, the following six (6) calls:*

- 1. South 01 degrees 50 minutes 32 seconds East, a distance of 394.45 feet,*
- 2. North 89 degrees 41 minutes 48 seconds East, a distance of 110.30 feet,*
- 3. South 01 degrees 54 minutes 00 seconds East, a distance of 914.08 feet,*
- 4. North 88 degrees 35 minutes 13 seconds East, a distance of 484.56 feet,*
- 5. South 14 degrees 10 minutes 05 seconds West, a distance of 1057.72 feet,*
- 6. South 02 degrees 44 minutes 42 seconds West, a distance of 212.69 feet to the southeast corner of said Jawbaw tract;*

***Thence:** North 89 degrees 37 minutes 36 seconds West, with the south line of said Jawbaw tract, a distance of 1124.87 feet to the **POINT OF BEGINNING** and containing **52.039 acres** of land more or less.*

27 March 2006



*Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560*



Scale
1" = 500'

Owner
Jawbaw Family
Limited Partnership
2215 Forest Creek
McKinney, TX 75070
Vol. 5854 Pg. 1895

Louie David Fraley
Doris Jean Fraley
713 W. Pecan Street
Celina, TX 75009
Vol. 4264 Pg. 2552
L.U. Improved Pasture
Not Zoned

Thomas Stayton Survey A-805

G Bar 7, LTD
P.O. Box 668
Celina, Tx. 75009
07 February 2005
Vol. 5850 Pg. 990 D.R.
Tract IV
L.U. Cropland
Not Zoned

Proposed TH Townhome
Appx. 39.7 acres at 12 UPA
Appx. Total 477 Units

Ousley & Floyd
Survey A-1053

S.A. & M.G. Co.
Survey A-877

Joseph Richard Callahan
6 Cedar Meadow Road
Moodus, CT 06469
Vol. 1634 Pg. 9
L.U. Improved
Pasture
Not Zoned

Jawbaw Family Limited
Partnership
11 February 2005
Vol. 5854 Pg. 1895 D.R.
(52.028 Acres)
L.U. Cropland
Not Zoned

Proposed R-1 Single Family
Appx. 38.8 acres at 4 UPA
Appx. Total 155 Units

Proposed TH Townhome
Appx. 13.2 acres at 12 UPA
Appx. Total 158 Units

Richard C. Smith
Janet L. Smith
3532 Twin Lakes Dr.
Prosper, TX 75078
Vol. 4412 Pg. 78
L.U. Native Pasture
Not Zoned

POB

County Road 57
No defined Width
1124.87' N 89° 37' 36" W

T. & P. R.R.
Survey A-932

J.B. Stelzer
P.O. Box 373
Celina, TX 75009
Vol. 680 Pg. 420
L.U. Native Pasture

Thomas Stayton
Survey A-803

G Bar 7, LTD
P.O. Box 668
Celina, Tx. 75009
07 February 2005
Vol. 5850 Pg. 990 D.R.
Tract III
L.U. Cropland
Not Zoned

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

LINE	BEARING	DISTANCE
L 1	N 83° 23' 27" E	456.80'
L 2	N 89° 48' 54" E	308.59'
L 3	S 01° 50' 32" E	394.45'
L 4	N 89° 41' 48" E	110.30'
L 5	S 02° 44' 42" W	212.69'

52.0 Acres Gross
52.0 Acres Net of
requested zoning

• • Exhibit "A" • •
All that certain tract or parcel of land situated in the S.A. & M.G. R.R. Co. Survey, Abstract Number 877 and the Ousley and Floyd Survey, Abstract Number 1053, County of Collin, State of Texas, said tract being all of a called 52.028 acre tract as described in Trustee's deed to Jawbaw Family Limited Partnership, filed 11 February 2005, and recorded in volume 5854 page 1895 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

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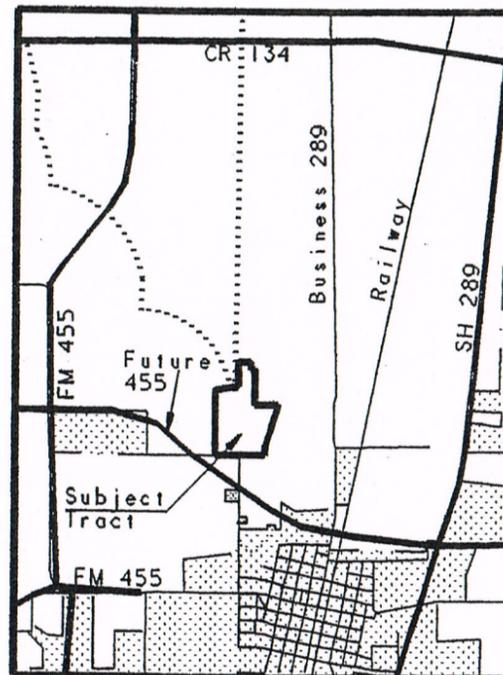
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Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560
16 February 2006



Location Map

Applicant
One Longhorn Land I, LP, a Texas
Limited Partnership
4949 Hedgcoxe Road
Suite 230
Plano, Tx. 75024
972-250-1263

Exhibit A
52.0 Acres in the
Ousley & Floyd Survey A-1053
Collin County, Texas
16 February 2006

Drawn by: EB
Check by: EB
Job No.
06-0282-7Z

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