

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 14.175 ACRES OF LAND BEING A TRACT OF LAND SITUATED IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 184, JOHNSON COUNTY, TEXAS, BEING A PORTION OF THAT TRACT CONVEYED TO MATYASTIK CAPITAL, LLC., IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-14829, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), TOGETHER WITH A PORTION OF THAT TRACT OF LAND CONVEYED TO WICKER HILL DEVELOPMENT, LLC., IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-40940, D.R.J.C.T., FROM AGRICULTURAL DISTRICT (A) TO SINGLE FAMILY ATTACHED DWELLING DISTRICT (SFA), MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, 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, an application for a zoning change was filed by Matt Powell (applicant) on behalf of Walter Matyastik (property owner) on February 21, 2022 under Case Number 22-028; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson.

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance concern an individual zoning case that does not propose a change to the language to the Code of Ordinances of the City of Burleson.

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

Section 1

The Official Zoning Map is hereby amended insofar as it relates to certain land described as a 14.175 acre, more or less, tract of land situated in the H.G. Catlett survey, abstract No. 184, Johnson County, Texas, being a portion of that tract conveyed to Matyastik Capital, LLC., in that deed recorded in instrument no. 2021-14829, deed records, Johnson County, Texas (D.R.J.C.T.), together with a portion of that tract of land conveyed to Wicker Hill Development, LLC., in that deed recorded in instrument no. 2021-40940, D.R.J.C.T., being more particularly described in Exhibit A, attached hereto and incorporated herein by reference for all purposes, by changing the zoning of said property from Agricultural district (A) to Single family attached dwelling district (SFA).

Section 2.

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 3.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable., and if any phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

An offense committed before the effective date of this ordinance is governed by the prior law and

the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for that purpose.

Section 7.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 8.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED:

First and Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"
Metes and Bounds Description

BEGINNING AT A 1/2" IRON ROD FOUND FOR AN ELL CORNER IN THE EASTERLY LINE OF SAID WICKER HILL DEVELOPMENT, LLC., TRACT;

THENCE S 45°27'37" E ALONG SAID EASTERLY LINE, A DISTANCE OF 962.94 FEET TO A POINT;

THENCE LEAVING SAID EASTERLY LINE S 72°47'46" W, A DISTANCE OF 482.12 FEET TO A POINT AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 225.00 FEET, WHOSE LONG CHORD BEARS S 79°00'00" W, 48.08 FEET;

THENCE ALONG SAID TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°15'58", AN ARC LENGTH OF 48.17 FEET TO A POINT AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 175.00 FEET, WHOSE LONG CHORD BEARS S 73°26'58" W, 70.88 FEET;

THENCE ALONG SAID TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 23°22'02", AN ARC LENGTH OF 71.37 FEET TO A POINT AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 325.00 FEET, WHOSE LONG CHORD BEARS S 73°34'40" W, 133.05 FEET;

THENCE ALONG SAID TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 23°37'25", AN ARC LENGTH OF 134.00 FEET TO A POINT;

THENCE N 85°23'23" E, A DISTANCE OF 443.76 FEET TO A POINT;

THENCE N 00°55'01" E, A DISTANCE OF 272.35 FEET TO A POINT AND THE BEGINNING OF NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 78.50 FEET, WHOSE LONG CHORD BEARS N 63°18'59" W, 19.67 FEET;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 14°23'33", AN ARC LENGTH OF 19.72 FEET TO A POINT AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 2045.00 FEET, WHOSE LONG CHORD BEARS N 87°32'42" W, 74.20 FEET;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 02°04'44", AN ARC LENGTH OF 74.20 FEET TO A POINT;

THENCE N 37°53'10" E, A DISTANCE OF 352.87 FEET TO A POINT;

THENCE N 45°24'02" W, A DISTANCE OF 2.31 FEET TO A POINT;

THENCE N 37°57'57" E, A DISTANCE OF 484.83 FEET TO A POINT;

THENCE S 51°59'50" E, A DISTANCE OF 42.27 FEET TO THE POINT OF BEGINNING, AND
CONTAINING 14.175 ACRES OF LAND, MORE OR LESS.