

ORDINANCE NO. 1528-01-2023

AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE OF PLUS OR MINUS 114.059 ACRES IN THE SARA SMITH SURVEY, ABSTRACT NO. 0913 LOCATED AT 2460 FM 1202, PARCEL ID 17566 FROM AN (A) AGRICULTURE ZONING DISTRICT TO AN INDUSTRIAL (I) ZONING DISTRICT AND AN OUTDOOR COMMERCIAL (C-3) ZONING DISTRICT; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

WHEREAS, the plus or minus 114.059 acres, Cooke County Appraisal District parcel ID 17566 is currently zoned Agriculture (A) and is located at 2460 FM 1202; and,

WHEREAS, Brent Libby from Rockhill Capital requests rezoning the property in a 75/25% split to Industrial (I) and Outdoor Commercial (C-3) zoning districts, respectively; and,

WHEREAS, the Planning and Zoning Commission of the City of Gainesville, Texas, held an open public hearing on December 13, 2022, following notices as required by law, on the request for the zoning district change, at which time all persons interested were given an opportunity to be heard; and the Planning and Zoning Commission of the City of Gainesville filed its report of the findings; and

WHEREAS, the Planning and Zoning Commission unanimously voted in favor of recommending that City Council approve the zoning district changes; and,

WHEREAS, public notice, as required by law, was given of the public hearing before the City Council of the City of Gainesville on this date for the rezoning, at which time all persons present were given an opportunity to be heard; and

WHEREAS, the City Council of the City of Gainesville has duly considered the Planning and Zoning Commission report, findings, and recommendations.

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

That the City Council of the City of Gainesville has approved the zoning district changes for the plus or minus 114.059 acres as follows:

SECTION ONE: REZONING PLUS OR MINUS 114.059 ACRES, PARCEL ID 17566, LOCATED AT 2460 FM 1202

The plus or minus 114.059 acre property, identified as Parcel ID 17566, located at 2460 FM 1202, has been rezoned as follows: 96.497 acres from an Agriculture (A) zoning district to an Industrial (I) zoning district and 17.562 acres from an Agriculture (A) zoning district to an Outdoor Commercial (C-3) zoning district as more clearly described in the attached property descriptions marked Exhibit A and Exhibit B, respectively.

SECTION TWO: AMENDMENT OF THE ZONING MAP

The official zoning map of the City of Gainesville, Cooke County, Texas, shall hereby be amended to reflect the rezoning of 96.497 acres to Industrial (I) zoning and 17.562 acres to Outdoor Commercial (C-3) zoning in Section One of this Ordinance.

SECTION THREE: SEVERABILITY

If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstance, if for any reason held to be unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to other person or sets of circumstances shall not be affected thereby, it being the intention of the City Council and of the Mayor of the City of Gainesville in adopting and approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

SECTION FOUR: EFFECTIVE DATE

This ordinance shall be effective upon passage and publication.

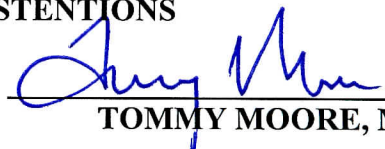
SECTION FIVE: OPEN MEETING FINDING

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

INTRODUCTION, FIRST READING, CHARTER SUSPENSION

INTRODUCED AND READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 3RD DAY OF JANUARY 2023, AT WHICH THE CHARTER PROVISION OF THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASION WAS SUSPENDED BY A VOTE:

 7 AYES, 0 NAYS, 0 ABSENT, 0 ABSTENTIONS


TOMMY MOORE, MAYOR

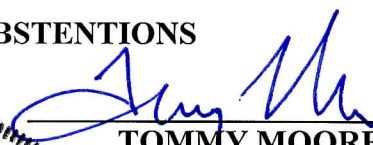
ATTEST:

DIANA ALCALA, CITY SECRETARY

ADOPTION

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 3RD DAY OF JANUARY 2023.

 7 AYES, 0 NAYS, 0 ABSENT, 0 ABSTENTIONS


TOMMY MOORE, MAYOR

ATTEST:

DIANA ALCALA, CITY SECRETARY



PROJECT NO. 220070
GAINESVILLE 110
17.562 ACRES



BEING A TRACT OF LAND LOCATED IN THE SARA SMITH SURVEY, ABSTRACT NO. 913, GAINESVILLE, COOKE COUNTY, TEXAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO KENNETH WAYNE RIVOIRE ESTATE TRUST, RECORDED IN VOLUME 1484, PAGE 788, DEED RECORDS, COOKE COUNTY, TEXAS (D.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET IN THE SOUTH RIGHT-OF-WAY LINE OF FARM-TO-MARKET ROAD 1202 (FM 1202), A 100-FOOT RIGHT-OF-WAY, AND THE EAST LINE OF SAID RIVOIRE TRACT AT THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO GAINESVILLE NORTHTOWN PLAZA, LLC, RECORDED IN VOLUME 2104, PAGE 189, D.R.C.C.T., FROM WHICH A MAG NAIL FOUND IN SAID SOUTH RIGHT-OF-WAY LINE BEARS SOUTH 89°25'58" EAST, A DISTANCE OF 16.57 FEET, FROM WHICH A 1/2-INCH IRON ROD FOUND IN SAID NORTH RIGHT-OF-WAY LINE BEARS SOUTH 50°59'32" EAST, A DISTANCE OF 209.13 FEET;

THENCE SOUTH 0 DEGREES 16 MINUTES 58 SECONDS EAST, ALONG THE EAST LINE OF SAID RIVOIRE ESTATE TRUST TRACT, A DISTANCE OF 450.00 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE SOUTH 89 DEGREES 35 MINUTES 15 SECONDS WEST, LEAVING SAID EAST LINE, A DISTANCE OF 1,700.00 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 0 DEGREES 16 MINUTES 58 SECONDS WEST, A DISTANCE OF 450.00 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER IN SAID SOUTH RIGHT-OF-WAY LINE OF FM 1202;

THENCE NORTH 89 DEGREES 35 MINUTES 15 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,700.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 765,002 SQUARE FEET OR 17.562 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.

SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5674
TBPELS FIRM REGISTRATION NO. 10194367
NOVEMBER 17, 2022

