

(Motion was made by John Champagne, seconded by Jon Bickford, and passed by a vote of 5 to 0, that the following ordinance be passed.)

ORDINANCE NO. 2012-14

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR THE INITIAL ZONING OF NEWLY ANNEXED PROPERTY AS PROVIDED IN CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR THE CLASSIFICATION AND INCLUSION OF A CERTAIN TRACT OF LAND WITHIN A ZONING DISTRICT AS DESCRIBED AND DEPICTED ON THE MAP OR PLAT OF SAME ATTACHED TO THIS ORDINANCE AS EXHIBIT "A"; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP OF THE CITY TO REFLECT THE ZONING CLASSIFICATION OF THE TRACT AS HEREIN PROVIDED; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$200 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Ordinance No. 2009-03, passed on March 10, 2009, the City annexed into its corporate limits a tract of land, containing approximately 0.04 acre, owned by Billy Giles and Alan Mann; and

WHEREAS, the City of Montgomery is located in rapidly growing Montgomery County, an area with increasing economic diversity, burgeoning population growth, and significant residential and commercial development, and the City is proactively addressing the challenge of maintaining a proper balance and integration of residential and commercial uses, and their concomitant needs for public services; and

WHEREAS, the Planning and Zoning Commission and City Council of the City (the "City") have reviewed that portion of the newly annexed area and the needs of the community, the character of each zoning district and its particular suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the City, and has given reasonable consideration to permanently zoning the newly annexed area in order to protect and enhance the value of property, lessen congestion in the streets, secure safety from fire, panic, and other dangers, promote health and the general welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water sewers, parks, and other public requirements; and

WHEREAS, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice and public hearing, did consider and make a recommendation on the initial zoning

classification; and

WHEREAS, the City Secretary caused to be issued and published the notices of public hearing required by the City of Montgomery Zoning Ordinance (the "Zoning Ordinance") and laws of the State of Texas applicable thereto; and

WHEREAS, the City has conducted public hearings, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, on such classification; and

WHEREAS, the City Council now deems it appropriate to establish a permanent zoning classification for that referenced tract in the Annexed Area.

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

SECTION 1. Recitations. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. Zoning Classification. The zoning classification of that certain tract of land, described below, situated within the corporate limits of the City of Montgomery, Montgomery County, Texas, is hereby classified, as stated below and as shown upon the map attached hereto as Exhibit "A."

- (1) The tract of land described in Exhibits "A" and "B" attached hereto and incorporated herein by reference for all purposes, is hereby designated the zoning classification of B Commercial.

SECTION 3. The official zoning district map of the City of Montgomery shall be revised and amended as set forth above to show the zoning district designation for the tract described in Exhibit "A" hereto.

SECTION 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 5. Penalty. As provided in the City's Code of Ordinances, any person or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00). Each day of violation of any provision hereof shall constitute a separate offense.

SECTION 6. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional, and the City Council of the City of Montgomery, Texas, declares that it would have passed each and every part

of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there by one or more parts.

PASSED, APPROVED and ADOPTED by the City Council of the City of Montgomery Texas, on this the 14th day of August, 2012.

CITY OF MONTGOMERY, TEXAS

By: _____

John Fox, Mayor

ATTEST:

By: _____

Carol Langley, City Secretary



**METES AND BOUNDS
SUBJECT TRACT
0.02 ACRES (759 SQUARE FEET)
OUT OF A CALLED 34.831 ACRES
BENJAMIN RIGBY LEAGUE, ABSTRACT 31
MONTGOMERY COUNTY, TEXAS**

Being 0.02 acres (759 square feet) of land, out of a called 34.831 acres, conveyed to Alan Mann by deeds recorded under County Clerk's File Number (CCF) 2006-118991 and 2006-118993 Real Property Records of Montgomery County, Texas (RPR MCT), said 0.02 acre tract lying the Benjamin Rigby League, Abstract 31 and being more particularly described by metes and bounds as follows;

BEGINNING at a found 1 inch iron pipe in the South right-of-way (ROW) of State Highway 105, 120' ROW, marking the Northeast corner of a called 1.7583 acres, conveyed to J. Newton Lawrence and wife, Merraret Roberta Lawrence by deeds recorded in Volume 614, Page 294 RPR MCT, also being the Northwest corner of said 34.831 acres and the **POINT OF BEGINNING**;

THENCE South 87°01'26" East, along said ROW, a distance of 209.28 feet to a point for corner in the North line of said 34.831 and in the West line of the city limits of Montgomery, Texas, also being the Northeast corner of the herein described tract;

THENCE South 02°58'34" West, along said city limits line, a distance of 1.00 feet to a point for corner, marking the Southeast corner of the herein described tract;

THENCE North 87°01'26" West, a distance of 208.29 feet to a point for corner in the East line of said Lawrence tract, marking an internal corner of the herein described tract;

THENCE South 03°01'34" West, a distance of 323.79 feet to an angle point; = = :

THENCE South 71°48'34" West, a distance of 226.31 feet to a point for the most Southerly corner of the herein described tract, being in the East line of a called 13.05 acres tract conveyed to Billy G. Giles by deed recorded in CCF 7513073 RPR MCT;

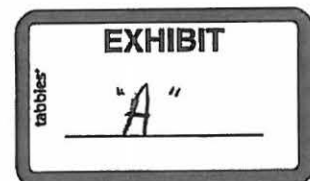
THENCE North 05°33'25" West, a distance of 1.02 feet to a point for the Northeast corner of said 13.05 acre tract, the Southeast corner of a called 3.17 acre tract conveyed to Billy G. Giles by deed recorded under CCF 7713071 RPR MCT, the most Southerly corner of a called 0.14 acre tract conveyed to Billy G. Giles by deed recorded under CCF 7513073 RPR MCT and the Southwest corner of a called 1.7583 acre tract conveyed to J. Newton Lawrence and wife, Merraret Roberta Lawrence by deed recorded in Volume 614, Page 294 RPR MCT;

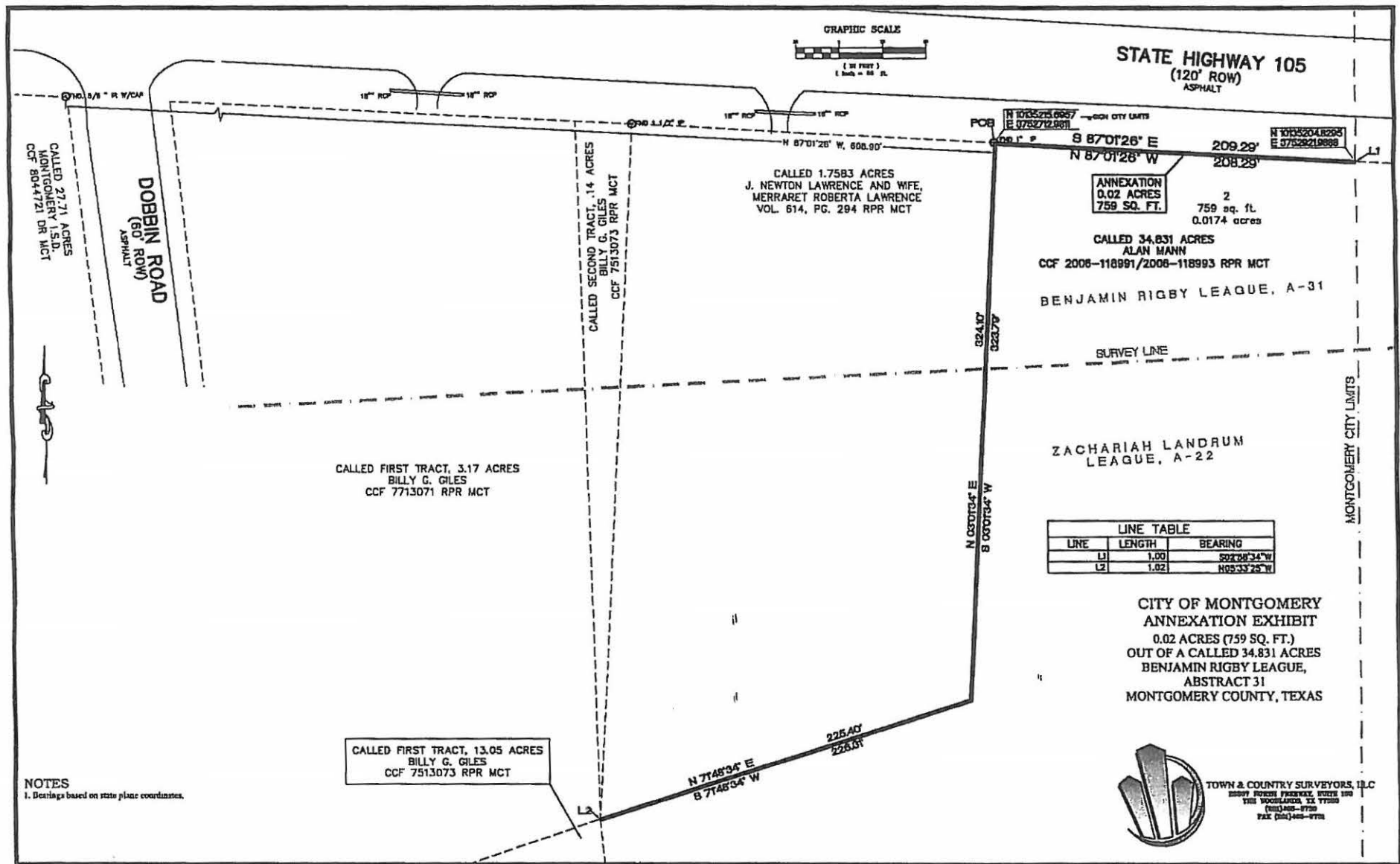
THENCE North 71°48'34" East, along the South line of said 1.7583 acre tract, a distance of 225.40 feet to point for the Southeast corner of said 1.7583 acre tract;

THENCE North 03°01'34" East, a distance of 324.10 feet to the **POINT OF BEGINNING** and containing a computed 0.02 acres (759 square feet) of land.

Prepared by
Town and Country Surveyors, LLC
25307 Interstate 45 North, Suite 100
The Woodlands, TX 77380
Phone (281) 465-8730
Fax (281) 465-8731

David J. Strauss, RPLS 4833
Job No. 1725-0001
Date: October 14, 2008





**METES AND BOUNDS
SUBJECT TRACT
0.02 ACRES (745 SQAURE FEET)
OUT OF A CALLED 0.14 ACRES AND 3.17 ACRES
BENJAMIN RIGBY LEAGUE, ABSTRACT 31
MONTGOMERY COUNTY, TEXAS**

Being 0.02 acres (745 square feet) of land, out of a called 0.14 acres, conveyed to Billy G. Giles by deeds recorded under County Clerk's File Number (CCF) 7513073 Real Property Records of Montgomery County, Texas (RPR MCT) and a called 3.17 acres, conveyed to said Billy G. Giles by deeds recorded under CCF 7713071 RPR MCT, said 0.02 acre tract lying the Benjamin Rigby League, Abstract 31 and being more particularly described by metes and bounds as follows;

BEGINNING at a found 1 1/2 inch iron pipe in the South right-of-way (ROW) of State Highway 105, 120' ROW, marking the Northwest corner of a called 1.7583 acres, conveyed to J. Newton Lawrence and wife, Merraret Roberta Lawrence by deeds recorded under Volume 614, Page 294 RPR MCT, also being the Northeast corner of said 0.14 acres;

THENCE South 03°10'15" West, a distance of 405.49 feet to an angle point, for the the most Southerly corner of said 0.14 acre tract, the Southeast corner of said 3.17 acre tract and the Southwest corner of said 1.7583 acre tract conveyed to J. Newton Lawrence and wife, Merraret Roberta Lawrence by deed recorded in Volume 614, Page 294 RPR MCT;

THENCE South 05°33'25" East, a distance of 1.02 feet to a point for the Southeast corner of the herein described tract;

THENCE South 71°48'34" West, a distance of 1.08 feet to a point for the Southwest corner of the herein described tract;

THENCE North 05°33'25" West, a distance of 1.01 feet to an angle point of the herein described tract;

THENCE North 03°10'15" East, a distance of 404.90 feet to an internal corner of the herein described tract;

THENCE North 87°01'26" West, a distance of 338.28 feet to a point for corner, being in the East ROW line of Dobbin Road, 60' ROW;

THENCE North 06°05'04" West, along said East ROW, a distance of 1.01 feet to a point for the intersection of the East ROW line of said Dobbin Road and the South ROW line of said State Highway 105, for the Northwest corner of said 3.17 acres, also being the Northwest corner of the herein described tract;

THENCE South 87°01'26" East, along said South ROW of State Highway 105, a distance of 339.44 feet to the **POINT OF BEIGNNING** and containing a computed 0.02 acres (745 square feet) of land.

Prepared by
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25307 North Freeway, IH 45 North, Suite 100
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