

ORDINANCE NO. 1043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF, A TRACT OF LAND CONTAINING 1.004 ACRES OF LAND OUT OF ABST 150 J D MOORE SUR PT OF LOT 4 (44) HIGHLAND CITY, LA MARQUE, GALVESTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1639 PAGE 563 OF THE RECORDS OF GALVESTON COUNTY, TEXAS FROM LIGHT INDUSTRIAL TO RESTRICTED COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953

WHEREAS, Mary Dore (the “Applicant”) agent of the owner Giering Investments L.P. has purchased the tract of land described as 1.004 Acres of land out of ABST 150 J D MOORE SUR PT OF LOT 4 (44) HIGHLAND CITY (the “Property”) generally situated in the corporate city limits of the City of La Marque, Texas (the “City”) and being more particularly described in Exhibit “A” made part hereof for all purposes; and

WHEREAS, the Property presently has a zoning classification of Light Industrial under Chapter 71: Zoning of the Code of ordinances of the City of La Marque; and

WHEREAS, the applicant has made application to the City to change such zoning classification of said property from Light Industrial to Restricted Commercial as authorized by the City’s Zoning Ordinance; and

WHEREAS, the City Council of the City has conducted, in time and manner and after the notice required by law and Chapter 71: Zone of the Code of Ordinances of the City of La Marque, a public hearing on such request in classification; and

WHEREAS, the council now deems it appropriate to grant such requested change in classification;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS that:

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

Section 2. The zoning classification of the certain tract of land described as 1.004 Acres of land out of ABST 150 J D MOORE SUR PT OF LOT 4 (44) HIGHLAND CITY is hereby changed from Light Industrial to Restricted Commercial as authorized by the Chapter 71: Zoning of the Code of Ordinances of the City of La Marque.

Section 3. The zoning map of the City, adopted on the 12th day of December, 2005 by ordinance number 953, shall be revised and amended to show the zoning reclassification

of said tract of land as provided in section 2 hereof, with the appropriate reference to the number and effective date of this Ordinance and brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the change in zoning classification of the tract described in section 2 hereof.

Section 5. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances 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 or the provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of La Marque, 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 be one or more parts.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the first reading this the _____ day of _____, 2011.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the second and last reading this the _____ day of _____, 2011.

Geraldine Sam, Mayor
City of La Marque, Texas

ATTEST:

Carolyn E. Anderson, City Clerk

EXHIBIT "A"
ORDINANCE NUMBER 1043
LEGAL DESCRIPTION

Legal description for a 2.00 acre (87,120 square feet) tract of land out of Stephen F. Austin League, Survey #4, Abstract 2, being a part of a tract of land as described in a deed dated July 9, 1964 from the City of La Marque, Texas to Texas National Guard Armory Board and recorded in Volume 1639, Page 563 of the Galveston County Deed Records (GCDR), Galveston County, Texas said 2.000 acre tract being more particularly described by metes and bounds as follows. (Bearings based on South 47 degrees 13 minutes 00 seconds East along Southerly line of Westlawn subdivision as recorded in Volume 9 Page 61 of the Galveston County Map Records (GCMR);

COMMENCING at a found $\frac{3}{4}$ inch rod at the northeasterly corner of the said Texas National Guard Armory Board tract, the southeast corner of said Westlawn and being on the west right-of-way line of Westward Avenue (80 feet wide per Volume 9, Page 61 GCMR);

THENCE North 47 degrees 13 minutes 00 seconds West, along the said southerly line of Westlawn, a distance of 593.34 feet to a $\frac{3}{8}$ inch iron rod with cap stamped "Landtech" set, for the east corner and POINT OF BEGINNING of the herein described tract,

THENCE South 42 degrees 02 minutes 15 seconds West, severing said Texas National Guard Armory Board tract, a distance of 217.93 feet to a found $\frac{1}{2}$ inch rod, for the west corner of the herein described tract, being the southeast corner of a called 8.987 acre tract of land as described in a deed dated August 2, 1973 from Mary Elizabet Vauthier, et al to Southwestern Bell Telephone Company and recorded in Volume 2393, Page 468 GCDR,

THENCE North 00 degrees 43 minutes 19 seconds West, along the east line of said Southwestern Bell Telephone Company Tract, a distance of 300.55 feet to a found $\frac{1}{2}$ inch iron rod, for the north corner of the herein described tract, being the southwest corner of said Westlawn,

THENCE South 47 degrees 13 minutes 00 seconds East, along the said southerly line of Westlawn, a distance of 501.73 feet to the POINT OF BEGINNING and containing 2.000 acres (87,120 square feet) of land.