

**ORDINANCE NO. 1048**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF, A TRACT OF LAND DESCRIBED AS 2.93 ACRES OUT OF THE SURFACE ONLY OF A TRACT OF FIVE (5) ACRES OUT OF S.F. AUSTIN LEAGUE NO 4, IN GALVESTON COUNTY, TEXAS, SAID 2.93 ACRES BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES RECORDED IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12<sup>TH</sup> DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953**

**WHEREAS,** Robert S White and Anne E White (the "Applicant") owner of the property has purchased the tract of land described as **2.93 ACRES OUT OF THE SURFACE ONLY OF A TRACT OF FIVE (5) ACRES OUT OF S.F. AUSTIN LEAGUE NO 4, IN GALVESTON COUNTY, TEXAS, SAID 2.93 ACRES BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES RECORDED IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY,** (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 Single Family Residential 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 Single Family Residential to General 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 2.93 ACRES OUT OF THE SURFACE ONLY OF A TRACT OF FIVE (5) ACRES OUT OF S.F. AUSTIN LEAGUE NO 4, IN GALVESTON COUNTY, TEXAS, SAID 2.93 ACRES

## **EXHIBIT "A"**

### **ORDINANCE NUMBER 1048**

#### **LEGAL DESCRIPTION**

2.93 ACRES out of THE SURFACE ONLY of a tract of five (5) acres out of S.F. Austin League No. 4, in Galveston, Texas, said 2.93 acres described by metes and bounds as follows: Said five (5) acres BEGINNING at the point on the East line of said S.F. Austin league no. 4, said point beginning 2967.92 feet South of the Northwest corner of the John D Moore League, and said point being also the Northeast corner of the tract of land heretofore Conveyed by Stewart Title Guaranty Company to Dorothy Marie Lucas, a feme sole and Buster Strait, by Deed of record in Volume 679, Page 531, Galveston County Records; THENCE from said beginning point in a Northerly direction along the East Line of said League, 261.36 feet to a point for corner; THENCE in a Westerly direction parallel to the North line of said League, 833.33 feet to point for corner, THENCE in a Southerly direction 261.36 feet to point for corner, said point beginning also the Northwest corner of said Lucas-Strait; Thence in an Easterly direction along the North line of said tract 833.33 feet to the PLACE OF BEGINNING. Then SAVE AND EXCEPT a 40 foot strip off the East side of the above described tract deeded to the County of Galveston for roadway purposes by Deed from Stewart Title Guaranty Company to the county of Galveston of record in Volume 687, Page 180, et seq, in the Office of the County Clerk of Galveston County, Texas; AND THEN SAVE AND EXCEPT THE SURFACE ONLY of one and eight hundred and two thousandths (1.0802) acres out of a 5 acre tract in the Stephen F. Austin League No. 4, in Galveston County, Texas, as described in deed dated February 19<sup>th</sup> 1947 from Stewart Title Guaranty Company to Stewart R. White, et ux, recorded in Volume 737, Page 629 of Galveston county, Deed Records. Said 1.802 acre tract being that same property described in Deed dated November 15, 1951 from Stewart R. White and Doris Elaine White to Houston Lighting 7 Power Company recorded in Volume 937, Page 357 of the Galveston County Deed records. Said 1.802 acre tract being more particularly described by metes and bounds described as follows; BEGINNING at a point in fence corner with coordinate X=3,276,905.3; Y=581,000.9, the northwest corner of said 5 acre tract; THENCE from the point of beginning N 87°12'2"E with the North line of said 5 acre tract 793.44 feet to a point in fence corner in the West line of a public road, based on 80 feet in with that extends along the East side of 5 acre tract; THENCE S2°43' 10"E with the West line of said public road 99.5 feet to 1 inch iron rod for corner; said point beginning N2°43'10"W 161.45 feet from 1 ¼ inch iron pipe set in the West line of said public road and in the South line of said 5 acre tract; THENCE S87°16'50"W 793.20 feet to a 1 inch rod set in the West line of said 5 acre tract, said point of being N2°161.43 feet from a 1 ¼ inch iron pipe that marks the Southwest corner of said 5 acre tract; THENCE N2°51'30"W with the West line of said 5 acre tract 98.4 feet to the PLACE OF BEGINNING, and containing 1.802 acres of land, leaving 2.93 acres put of said five (5) acres.

BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES RECORDED IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS is hereby changed from Single Family Residential to General 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 12<sup>th</sup> 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 28<sup>th</sup> day of March, 2011.

**PASSED AND APPROVED** by the City Council of the City of La Marque, Texas, on the second and last reading this the 14<sup>th</sup> day of April, 2011.



Geraldine Sam, Mayor

City of La Marque, Texas

ATTEST:



Carolyn E. Anderson, City Clerk