

ORDINANCE NO. 2053

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL-OPEN DISTRICT (A-O) TO RETAIL DISTRICT (C-2) ON 9.86 ACRES OF LAND OUT OF THE MARIE KEGAN SURVEY, A-28, LOCATED AT THE NORTHEAST CORNER OF STATE HIGHWAY 30 AND ELMO WEEDON ROAD IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130, changing the zoning classification from Agricultural-Open District (A-O) to Retail District (C-2) on 9.86 acres of land out of the Marie Kegan Survey, A-28, located at the northeast corner of State Highway 30 and Elmo Weedon Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during a regular meeting on June 5, 2014;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Agricultural-Open District (A-O) to Retail District (C-2) on 9.86 acres of land out of the Marie Kegan Survey, A-28, located at the northeast corner of State Highway 30 and Elmo Weedon Road in Bryan, Brazos County, Texas, said 9.86 acres of land being described more particularly by metes-and-bounds on attached Exhibit "A".

2.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 8th day of July, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 7th day of August, 2014 by a vote of 6 yeses and 0 noes at a special meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A":

METES AND BOUNDS DESCRIPTION OF A
9.68 ACRE TRACT

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MARIA KEGANS SURVEY, ABSTRACT NO. 28, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 360.9 ACRE TRACT DESCRIBED AS TRACT I AND A PORTION OF A CALLED 2.06 ACRE TRACT DESCRIBED AS TRACT III BY A DEED TO ALICE C. JOSEY RECORDED IN VOLUME 2774, PAGE 148 OF THE OFFICIAL PUBLIC RECORD OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A ½ INCH IRON ROD FOUND ON THE NORTHEAST LINE OF STATE HIGHWAY NO. 30 (VARIABLE WIDTH R.O.W.) MARKING THE WEST CORNER OF A CALLED 0.661 ACRE TRACT AS DESCRIBED BY A DEED TO BARBARA A. MOORE RECORDED IN VOLUME 2728, PAGE 272 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS FOR REFERENCE A CONCRETE RIGHT-OF-WAY MARKER FOUND BEARS: S 59°41'42" E FOR A DISTANCE OF 75.01 FEET.

THENCE: ALONG THE NORTHEAST LINE OF STATE HIGHWAY NO. 30 FOR THE FOLLOWING CALLS:

N 59°49'15" W FOR A DISTANCE OF 125.13 FEET TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

N 62°30'50" W FOR A DISTANCE OF 280.53 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST

THENCE: ALONG THE SOUTHEAST LINE OF ELMO WEEDON ROAD FOR THE FOLLOWING CALLS:

N 12°13'10" W FOR A DISTANCE OF 63.98 FEET TO A ½ INCH IRON ROD SET;

N 37°55'46" E FOR A DISTANCE OF 796.40 FEET TO THE CITY LIMITS OF BRYAN, BRAZOS COUNTY, TEXAS, FOR REFERENCE A ½ INCH IRON ROD FOUND ON THE NORTHWEST LINE OF ELMO WEEDON ROAD BEARS: N 37°55'46" E FOR A DISTANCE OF 28.07 FEET (THIS LINE WAS USED FOR BEARING ORIENTATION HONORING THE DEED CALL BEARING OF ELMO WEEDON ROAD (80' R.O.W.) PER VOLUME 1095, PAGE 74 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS);

THENCE: S 64°08'31" E THROUGH SAID JOSEY TRACT AND ALONG THE CITY LIMITS OF BRYAN FOR A DISTANCE OF 138.89 FEET;

THENCE: S 44°33'02" E CONTINUING THROUGH SAID JOSEY TRACT, 205.00 FEET FROM AND PARALLEL TO THE SOUTHWEST LINE OF BLOCK 1, HUNTER'S CREEK, ACCORDING TO THE PLAT RECORDED IN VOLUME 4490, PAGE 38 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS FOR A DISTANCE OF 505.15 FEET TO THE COMMON LINE OF SAID JOSEY TRACT AND A CALLED 10.84 ACRE TRACT BEING A REMAINDER OF A CALLED 34 ACRE TRACT AS DESCRIBED IN VOLUME 37, PAGE 514 OF THE DEED RECORDS BRAZOS COUNTY, TEXAS, FOR A REFERENCE A ½ INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF SAID BLOCK 1 MARKING THE COMMON CORNER OF SAID JOSEY TRACT AND SAID THANE TRACT BEARS: N 54°22'44" E FOR A DISTANCE OF 207.51 FEET;

THENCE: S 54°22'44" W ALONG THE COMMON LINE OF SAID JOSEY TRACT AND SAID THANE TRACT FOR A DISTANCE OF 355.19 FEET TO A ½ INCH IRON ROD FOUND MARKING THE NORTH CORNER OF A CALLED 1.00 ACRE TRACT AS DESCRIBED BY A DEED TO ROBERT KENNETH BONNET AND PATSY SUE CONNET RECORDED IN VOLUME 7680, PAGE 235 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: ALONG THE COMMON LINE OF SAID JOSEY TRACT AND SAID 1.00 ACRE FOR THE FOLLOWING CALLS:

S 54°25'19" W FOR A DISTANCE OF 93.61 FEET TO A 6 INCH FENCE POST FOUND;

S 52°38'53" W FOR A DISTANCE OF 69.90 FEET TO A 42 INCH POST OAK TREE FOUND;

S 47°39'50" W FOR A DISTANCE OF 98.20 FEET TO A 4 INCH FENCE POST FOUND MARKING THE NORTH CORNER OF THE AFOREMENTIONED 0.661 ACRE TRACT (2728/272);

THENCE: S 48°39'42" W ALONG THE COMMON LINE OF SAID JOSEY TRACT AND SAID 0.661 ACRE TRACT FOR A DISTANCE OF 140.27 FEET TO THE **POINT OF BEGINNING** CONTAINING 9.86 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND FEBRUARY 2012.