

**ORDINANCE NO. 2688**

**AN ORDINANCE CHANGING THE ZONING ON LOT 12AR, LOT 12BR, BLOCK 5, TOWN ADDITION, LOCALLY KNOWN AS 305 EAST PARKS STREET, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM SINGLE FAMILY-2 (SF-2) TO PLANNED DEVELOPMENT-TWO FAMILY (PD-SF2), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**WHEREAS**, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and,

**WHEREAS**, proper notification for the change of zoning has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the rezoning thereto from Single Family-2 (SF-2) to Planned Development-Two Family (PD-2F) to allow a duplex residential unit with two apartment units within the existing single family wood frame building, as shown on the plat submitted dated January 8, 2013, by Blue Line Design Co. for Colonial Restoration, with the existing foot print and square footage of the structure to remain as shown on the plans; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said rezoning from Single Family-2 (SF-2) to Planned Development-Two Family (PD-2F), subject to the following Planned Development-Two Family.

**NOW, THEREFORE**, the following described property be, and the same hereby is, rezoned to Planned Development-Two Family (PD-2F), subject to the following Planned Development Two Family provisions:

Lot 12AR, Lot 12BR, Block 5, Town Addition, locally known as 305 East Parks Street, Waxahachie, Ellis County, Texas, and more particularly described in Exhibit "A" attached hereto.

- 1) Any structure on this lot will have to match the surrounding character of the neighborhood in massing and scale
- 2) New Infill House should have appearance of pier and beam structure. At least two steps to the front porch should be included
- 3) These duplexes should not be alike; the purpose of the infill ordinance is not to have exact replicas all over town, or especially next to each other. There should some diversity in style
- 4) Parking for all dwellings must be off-street, on individual lots
- 5) All lots should be fenced

**PLANNED DEVELOPMENT – TWO FAMILY WITH SPECIFIC USE PERMIT**

The property must comply with all City requirements for the Two Family Development, except as hereinafter shown, which are allowed due to the small size and shape of the lot as follows:

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

This ordinance is to be effective upon passage.

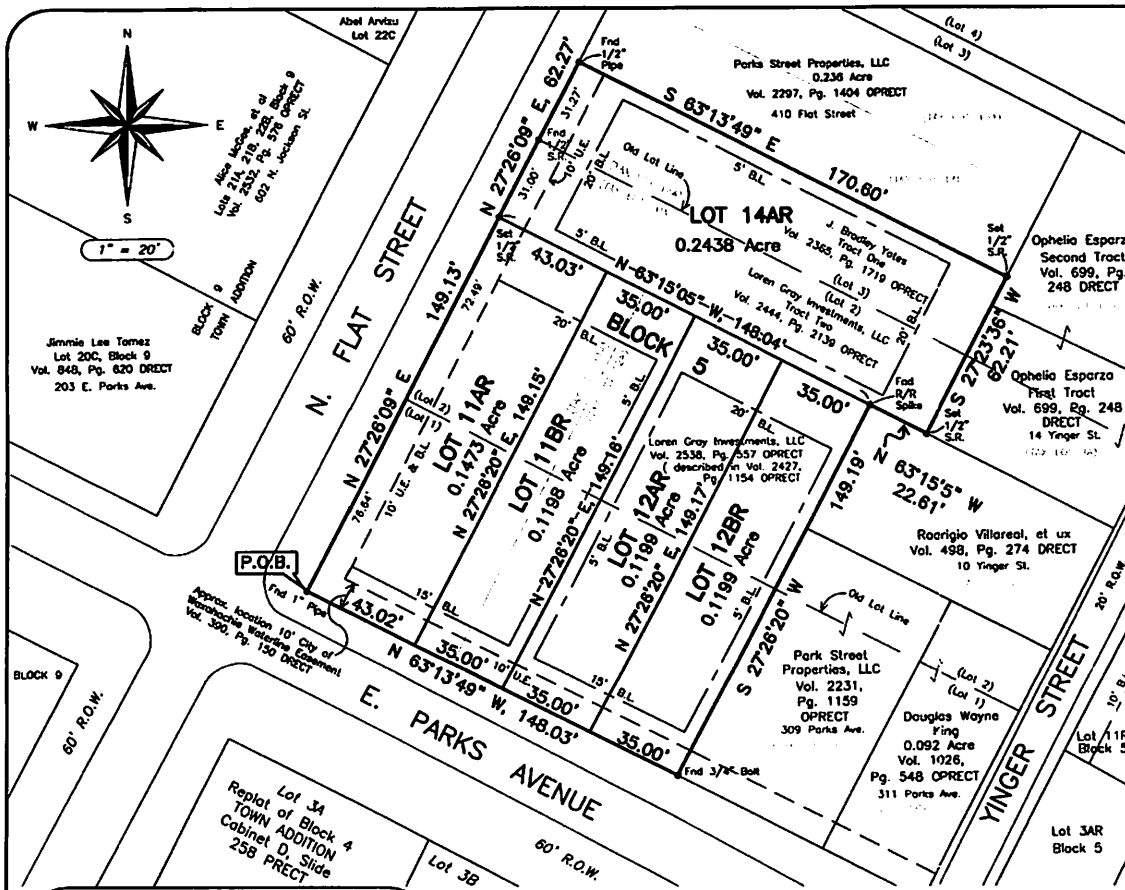
PASSED, APPROVED AND ADOPTED on this 18<sup>th</sup> day of February, 2013.



  
MAYOR

ATTEST:

  
City Secretary



OWNER'S CERTIFICATE  
STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS WE, Loren Gray Investments, LLC and J. Bradley Yates, are the Owners of a tract of land situated in the City of Waxahachie, Ellis County, Texas, and being a portion of Lots 1, 2, and 3 in Block 5 of TOWN ADDITION and being more particularly described as follows:

FIELD NOTES - 0.7507 Acre

BEING all that certain lot, tract or parcel of land being a portion of Lots 1, 2, and 3 in Block 5 of TOWN ADDITION, an addition in the City of Waxahachie, Ellis County, Texas, according to the map or plat thereof as recorded in Cabinet A, Slides 181 through 184 of the Plat Records of Ellis County, Texas (PRECT), and being a portion of said Lot 2 (locally known as Tax Lot 10A) as conveyed to Loren Gray Investments, LLC as Tract Two by deed as recorded in Volume 2444, Page 2139 of the Official Public Records of Ellis County, Texas (OPRECT); and being a portion of said Lots 1 and 2 (locally known as Tax Lots 11A and 12A) as conveyed to Loren Gray Investments, LLC by deed as recorded in Volume 2538, Page 557 OPRECT and described in Volume 2427, Page 1154 OPRECT; and being a portion of said Lot 3 (locally known as Tax Lot 14A) as conveyed to J. Bradley Yates by deed as recorded in Volume 2365, Page 1719 OPRECT, and being more particularly described as follows:

BEGINNING at a 1" pipe found for the west corner of said Lot 1 and some for said Tax Lot 11A and some for this tract at the intersection of the northeast line of East PARKS AVENUE, a 60' wide right of way, and the southeast line of North FLAT STREET, a 60' wide right of way;

THENCE along the northeast line of said Lots 1, 2, and 3 and the southeast line of said FLAT STREETS as follows: N 27°26'09" E, 148.13 feet (Deed N 27°30' W, 150.0') to a 1/2" steel rod set for the north corner of said Tax Lot 11A and the west corner of said Tax Lot 10A;

N 27°26'09" E, 170.60 feet (Deed N 27°30' W, 60'), passing at 31.00 feet a 1/2" steel rod set for the north corner of said Lot 2 and some for said Tax Lot 10A and the west corner of said Lot 3 and some for said Tax Lot 14A, in all, 62.21 feet to a 1/2" pipe found for the north corner of said Tax Lot 14A and some for this tract and the west corner of a called Second Tract conveyed to Ophelia Esparza by deed as recorded in Volume 699, Page 248 OPRECT;

THENCE S 63°13'49" E, 170.60 feet (Deed N 62°30' W) through said Lot 3 to a 1/2" steel rod set for the east corner of said Tax Lot 14A and some for this tract and the south corner of said 0.238 acre tract in the northwest line of a called Second Tract conveyed to Ophelia Esparza by deed as recorded in Volume 699, Page 248 of the Deed Records of Ellis County, Texas (DRECT);

THENCE S 27°23'36" W, crossing the southwest line of said Lot 3 and the northeast line of said Lot 2, in all, 62.21 feet (Deed N 27°30' E, 60') to a 1/2" steel rod set for the south corner of said Tax Lot 10A and the northerly south corner of this tract and the west corner of a called First Tract conveyed to Ophelia Esparza by deed as recorded in Volume 699, Page 248 DRECT in the northeast line of a tract of land conveyed to Rodrigo Villareal, et ux by deed as recorded in Volume 498, Page 274 DRECT;

THENCE N 63°15'09" W, 22.61 feet (Deed S 63°30' E) to a railroad spike found for an inner all corner of this tract and the east corner of said Tax Lot 12A and the north corner of said Rodrigo tract;

THENCE S 27°26'20" W, crossing the southwest line of said Lot 2 and the northeast line of said Lot 1, in all, 148.19 feet (Deed N 27°30' E, 150.0') to a 3/4" bolt found for the south corner of said Tax Lot 12A and the southerly south corner of this tract and the west corner of a tract of land conveyed to Park Street Properties, LLC by deed as recorded in Volume 2231, Page 1159 OPRECT in the southwest line of said Lot 1 and the northeast line of said PARKS AVENUE;

THENCE N 63°13'49" W, 148.03 feet (Deed S 63°11'49" E, 148.0') along the southwest line of said Lot 1 and the northeast line of said PARKS AVENUE to the POINT OF BEGINNING and containing approximately 0.7507 acre of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, Loren Gray Investments, LLC and J. Bradley Yates, acting herein by and through its duly authorized officer, do hereby adopt this plat designating the herein above described property as a FINAL PLAT of Lots 11AR, 11BR, 12AR, 12BR and 14AR in Block 5 of TOWN ADDITION, an addition to the City of Waxahachie, Texas, (Being a Replat of a portion of Lots 1, 2, and 3 in Block 5 of TOWN ADDITION) and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

BY:

Authorized Signature of Owner

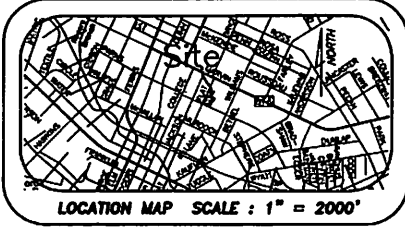
Printed Name and Title

Owners:  
Loren Gray Investments, LLC  
P.O. Box 2868  
Waxahachie, Texas 75168  
J. Bradley Yates  
405 W. Marvin Ave.  
Waxahachie, Texas 75165  
Contact: Brad Yates  
Phone: 214-882-4599

FINAL PLAT  
LOTS 11AR, 11BR,  
12AR, 12BR and  
14AR, BLOCK 5  
TOWN ADDITION  
(0.7507 Acre)

BEING A REPLAT OF A PORTION OF LOTS  
1, 2 and 3 in BLOCK 5 of TOWN ADDITION  
in the City of Waxahachie, Ellis County, Texas

ENGINEERS  
**D & M**  
SURVEYORS  
(A Texas Licensed surveying firm # 101504-00, and a Texas licensed engineering firm # F-8439)  
Drawn: K.H. / K.B. Date: November 14, 2012 Job: 210-0482-PLAT



CITY OF WAXAHACHIE, TEXAS REPLAT APPROVAL  
APPROVED BY: Planning and Zoning Commission  
City of Waxahachie  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
APPROVED BY: City Council  
City of Waxahachie  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Attest: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ELLIS  
Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared J. Bradley Yates, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.  
Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Notary Public in and for the State of Texas  
My Commission Expires On: \_\_\_\_\_

SURVEYOR'S DECLARATION  
KNOW ALL MEN BY THESE PRESENTS:  
That I, Walter Keven Davis, do hereby declare that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.  
Walter Keven Davis, Registered Professional Land Surveyor #4460  
Davis and McDill, Inc.



EXHIBIT "A"

# ZA2013-01



The GIS data is developed and produced by Ellis Central Appraisal district and the City of Waxahachie. Maps are for graphical purposes only and do not represent a legal survey. This information is presented "as is" and without warranties, either expressed or implied. Ellis Central Appraisal District and the City of Waxahachie cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system.

