

ORDINANCE NO. 746-2021-12

AN ORDINANCE OF THE CITY OF VENUS, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND CHANGING THE ZONING FROM AGRICULTURAL (A) TO COMMERCIAL (C-2) ON 12.655 ACRES OF LAND, GENERALLY LOCATED AT THE INTERSECTION WEST OF FM 157 AND NORTH OF HIGHWAY 67; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY UP TO \$2,000 PER DAY FOR A VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission considered and made recommendations on a certain request for a change of zoning on the above captioned property; and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Venus; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, and general welfare of the City of Venus.

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

SECTION 1. That the above findings are hereby found to be true and correct and are incorporated as if fully set forth herein.

SECTION 2. That the 12.655 acre site generally located at the intersection located to the west of FM 157 and north of Highway 67 and more specifically described in the attached **Exhibits A and B** and with a legal description of: 12.655 acres (551,260 square feet) of land in the Radford Berry Survey, Abstract No. 26, Johnson County, Texas; said 12.655 acres (551,260 square feet) of land being a portion of that certain tract of land described in a Assumption Special Warranty Deed to Saldena Properties, L.P. (hereinafter referred to Saldena Properties tract), as recorded in Book 3570, Page 136, Deed Records, Johnson County, Texas (D.R.J.C.T.), is hereby zoned Commercial, specifically, the "C-2" zoning district, and shall be developed and used in accordance with all applicable regulations of the "C-2" Commercial District and the Comprehensive Zoning Ordinance, as amended.

SECTION 3. That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as by a fine not to exceed two thousand dollars

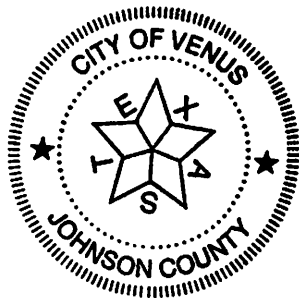
(\$2,000.00) upon conviction in municipal court. Each day the violation continues is a separate violation of this Ordinance.

SECTION 4. That the Zoning Ordinance of the City of Venus, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

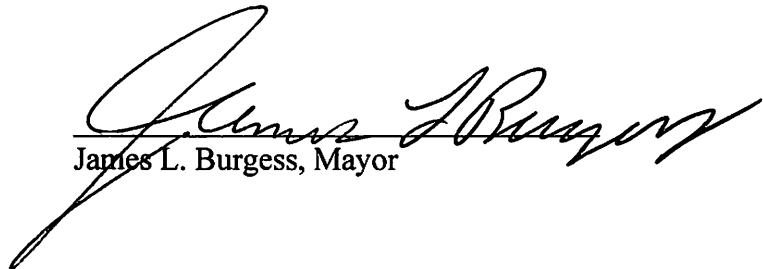
SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or its application to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of this Ordinance, and the remaining portions shall remain in full force and effect.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS on this 13th day of December, 2021.



APPROVED:


James L. Burgess, Mayor

ATTEST:


Callie Green, City Secretary

EXHIBIT A

EXHIBIT A

LEGAL LAND DESCRIPTION:

BEING 12.655 acres (551,260 square feet) of land in the Radford Berry Survey, Abstract No. 26, Johnson County, Texas; said 12.655 acres (551,260 square feet) of land being a portion of that certain tract of land described in a Assumption Special Warranty Deed to Saldena Properties, L.P. (hereinafter referred to Saldena Properties tract), as recorded in Book 3570, Page 136, Deed Records, Johnson County, Texas (D.R.J.C.T.); said 12.655 acres (551,260 square feet) of land being more particularly described, by metes and bounds, as follows:

BEGINNING at a Texas Department of Transportation monument found for the Southerly Southeast corner of said Saldena Properties tract, same being the intersection of the existing Southwesterly right-of-way line of F. M. Road 157 (80' right-of-way), as recorded in Book 360, Page 5, D.R.J.C.T., with the existing Northerly right-of-way line of West Highway 67 (variable width right-of-way), as recorded in Book 2379, Page 367, D.R.J.C.T.;

THENCE South 84 degrees 20 minutes 13 seconds West with the common lien between said Saldena Properties tract and the existing Northerly right-of-way line of said West Highway 67, a distance of 293.62 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE South 30 degrees 13 minutes 18 seconds East, continue with the common lien between said Saldena Properties tract and the existing Northerly right-of-way line of said West Highway 67, a distance of 39.95 feet to a Texas Department of Transportation monument found for corner;

THENCE South 83 degrees 55 minutes 02 seconds West, continue with the common lien between said Saldena Properties tract and the existing Northerly right-of-way line of said West Highway 67, a distance of 693.42 feet to a Texas Department of Transportation monument found for corner;

THENCE North 79 degrees 17 minutes 54 seconds West, continue with the common lien between said Saldena Properties tract and the existing Northerly right-of-way line of said West Highway 67, a distance of 34.25 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE South 84 degrees 00 minutes 09 seconds West, continue with the common lien between said Saldena Properties tract and the existing Northerly right-of-way line of said West Highway 67, a distance of 241.08 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE North 21 degrees 14 minutes 35 seconds East, departing the existing Northerly right-of-way line of said West Highway 67, crossing said Saldena Properties tract, a distance of 229.65 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE North 19 degrees 04 minutes 09 seconds East, continue crossing said Saldena Properties tract, a distance of 187.25 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE North 27 degrees 51 minutes 31 seconds East, continue crossing said Saldena Properties tract, a distance of 288.09 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner in the Northeasterly line of said Saldena Properties tract, same being the Southwesterly line of that certain tract of land described in a Special Warranty Deed to Palladium Venus, Ltd. (hereinafter referred to as Palladium Venus tract), as recorded in Instrument Number 2020-15351, Official Public Records, Johnson County, Texas;

THENCE South 29 degrees 12 minutes 45 seconds East with the common line between said Saldena Properties tract and said Palladium Venus tract, a distance of 233.71 feet to a one-half inch iron rod found for corner, same being the Southwesterly corner of said Palladium Venus tract;

THENCE North 60 degrees 48 minutes 47 seconds East, continue with the common line between said Saldena Properties tract and said Palladium Venus tract, a distance of 632.00 feet to the Northeasterly corner of said Saldena Properties tract, same being the Southeasterly corner of said Palladium Venus tract, same also being the existing Southwesterly right-of-way line of the aforesaid F. M. Road 157, from which a one-half inch iron rod with plastic cap stamped "RPLS 4701" found bears North 60 degrees 48 minutes 47 seconds East, a distance of 1.22 feet;

THENCE South 30 degrees 35 minutes 57 seconds East with the common line between said Saldena Properties tract and the existing Southwesterly right-of-way line of said F. M. Road 157, a distance of 374.21 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE South 24 degrees 12 minutes 03 seconds East, continue with the common line between said Saldena Properties tract and the existing Southwesterly right-of-way line of said F. M. Road 157, a distance of 185.34 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

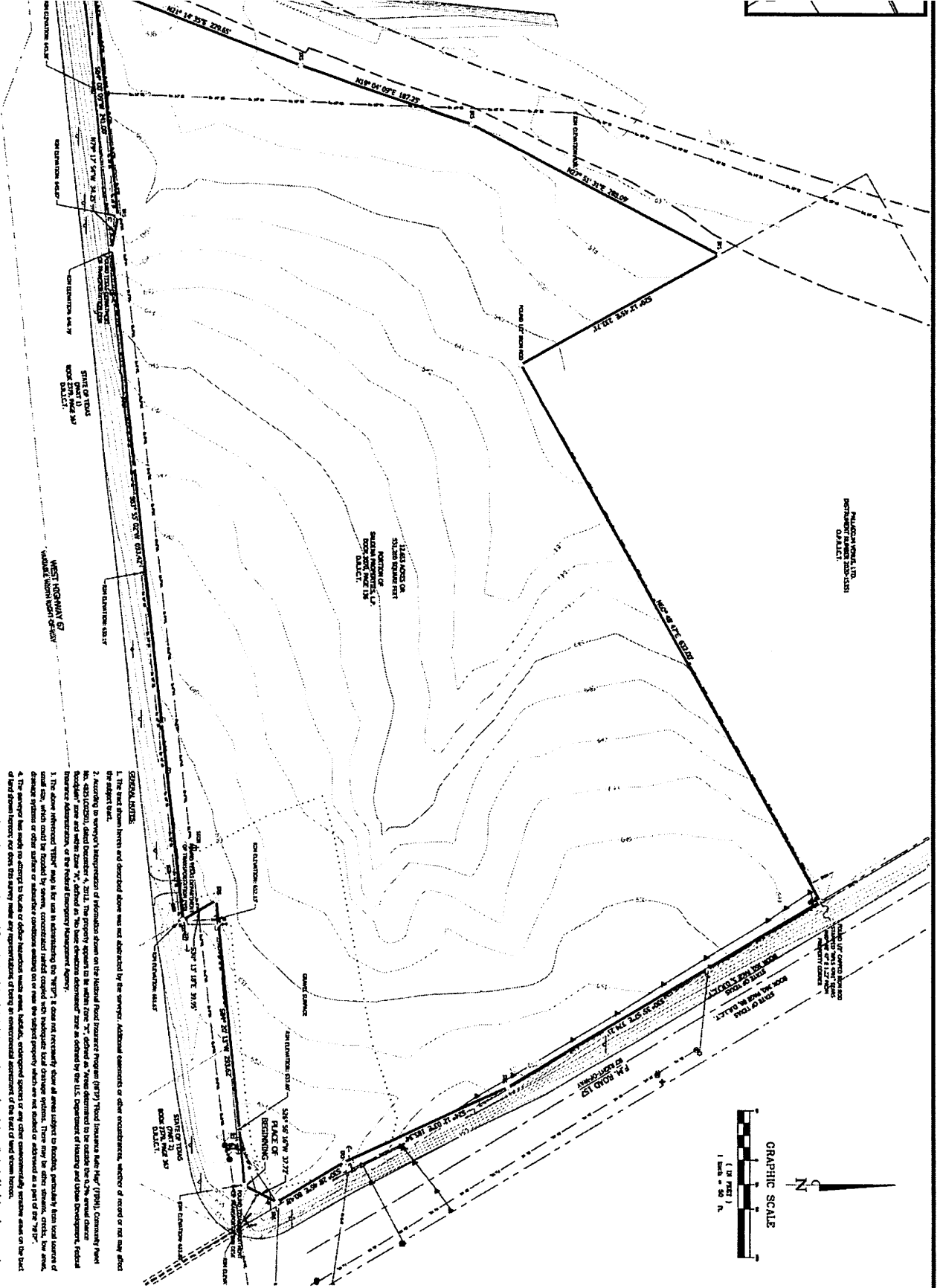
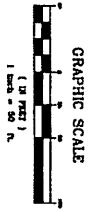
THENCE South 30 degrees 28 minutes 46 seconds East, continue with the common line between said Saldena Properties tract and the existing Southwesterly right-of-way line of said F. M. Road 157, a distance of 80.48 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE South 26 degrees 56 minutes 16 seconds West, continue with the common line between said Saldena Properties tract and the existing Southwesterly right-of-way line of said F. M. Road 157, a distance of 37.72 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 12.655 acres (551,260 square feet) of land.

EXHIBIT B

PHILIPSON & ASSOCIATES, LTD.
REGISTERED PROFESSIONAL ENGINEER
NO. 11111
STATE OF TEXAS

NOTICE OF CONVEYANCE
THIS DOCUMENT IS A NOTICE OF CONVEYANCE
AND DOES NOT REPRESENT A WARRANTY
OF ANY KIND.



GENERAL NOTES:

1. The tract shown herein and described above was not delineated by the surveyor. Additional elements of other encumbrances, whether of record or not, may affect the subject tract.
2. According to surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM), Community Flood Map, 4323 (0202), dated December 4, 2012, the property appears to be within Zone "X", defined as "Areas determined to be outside the 1% annual chance floodway zone and within Zone "X", defined as "No base floodway determination" zone as defined by the U.S. Department of Housing and Urban Development, Federal Emergency Management Agency of the Federal Emergency Management Agency.
3. The above referenced "FIRM" map is for use in determining the "FIRM" zone and not necessarily for locating, particularly from local sources of maps, ponds, streams, or other features. Conditions existing on or near the subject property which are not indicated or addressed as a part of the "FIRM" map, whether of record or otherwise, are not shown on the map and are not to be relied upon for any purpose.
4. The surveyor has made no attempt to locate or define boundaries, easements, or other features, or any other encumbrances, whether of record or not, which may affect the subject property. The surveyor has made no attempt to locate or define boundaries, easements, or other features, or any other encumbrances, whether of record or not, which may affect the subject property.
5. The surveyor has made no attempt to locate or define boundaries, easements, or other features, or any other encumbrances, whether of record or not, which may affect the subject property.
6. The surveyor has made no attempt to locate or define boundaries, easements, or other features, or any other encumbrances, whether of record or not, which may affect the subject property.
7. Existing utility lines shown herein are from above ground visible features coupled together with maps and plans provided to the surveyor. The surveyor does not make any representation of being a Quality Landmark or a Sub-surface Utility Survey of the tract of land shown herein.
8. All iron rods and (IR) are 1/2 inch with a plastic cap stamped "IR 1/2\"/>

CATEGORY 1A, CONDITION 2	PROJECT NO. 117221-005
LAND TITLE SURVEY	SCALE: 1" = 50'
	DRAWN BY: SA
	CHECKED BY: MZ
	SHEET NUMBER 1 OF 2

PROJECT: Address: 845 N. F.M. 157
Being 12.655 acres or (551,260 square feet) out of the
Radford Berry Survey, Abstract No. 26
City of Venus, Johnson County, Texas



BANNISTER
ENGINEERING

240 North Mitchell Road | Mansfield, TX 76063 | 817.642.2094 | 817.642.2095 fax
TBPLS REGISTRATION NO. 10193823

See below,
are you dig-
ing (to digging)

240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax

Address: 845 N. F.M. 157
 .655 acres or (551,260 square feet) on
 Radford Berry Survey, Abstract No. 26
 City of Venus, Johnson County, Texas

PROJECT:

CATEGORY 1A,
CONDITION 2

PROJECT NO: 172-21-005	SCALE: n/a	DRAWN BY: sa	CKD BY: md2	SHEET NUMBER 2 of 2
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SURVEYORS CERTIFICATE FIX

SALICINA PROPERTIES, L.P., and their heirs and assigns:

I, Michael Dan Davis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this map or plat and the survey on which it is based were made in accordance with and complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 2 Survey.

The field work was completed on June 23, 2011.

The field work was completed on June 23, 2021.

PRELIMINARY

Michael Doss Davis
Registered Professional Land Surveyor No. 48138
HARRISTER ENGINEERING, LLC
T.A.P.L.S. REGISTRATION NO. 10193823
240 NORTH METOCELL BLVD
MCKINNEY, TEXAS 75063
Office (817) 942-2094

¹ The Radical Berry Survey, Abstract No. 26, Johnson County, Texas: said (551,260 square feet) of tract in a Acquisition Special Warranty Deed to Sedona Properties, L.P. (hereinafter referred to as Sedona).
² Deed Record, Johnson County, Texas (D.R.J.C.T.); said 12,655 acres (551,260 square feet) of land being as follows:

ten monuments found for the Southern Southeast corner of said Saladero Properties tract, same being the W/4 line of E. M. Road 157 (40' right-of-way), as recorded in Book 360, Page 5, D.B.A.C.T., with the existing wide width right-of-way, as recorded in Book 278, Page 347, D.B.A.C.T.;

West with the common lien between said Subderna Properties tract and the existing Hartshorn right-of-way line of a five-eighths inch iron rod with red plastic cap stamped "JPLS 4533" set for corner;

Let, continue with the common line between said Subera Properties tract and the existing Northerly right-of-way it to a Texas Department of Transportation increment found for corner;

West, continue with the common line between said Sections Properties tract and the existing Northerly line of 693.42 feet to a Texas Department of Transportation monument located far corner;

West, contiguous with the common line between said Saldana Properties tract and the existing Northerly right-of-way is to a five-eighths inch iron rod with red plastic cap stamped "JUL 5 4438" set for corner;

Next, continue with the common line between said Salsma Properties tract and the existing Northerly of 241.28 feet to a five-eighths inch iron rod with red plastic cap stamped "N91.5 4338" set for corner;

and, departing the existing Northerly right-of-way line of said West Highway 87, crossing said California Properties and then red with red plastic cap stamped "NPLS 4333" set for corner;

land, continue crossing said Saldana Properties tract, a distance of 187.25 feet to a five-eighths inch non red with

Just, continue creating said Section Properties tract, a share of 223.09 less to a line opposite each end road with in the Northwesterly line of said Section Properties tract, same being the Southeasterly line of that certain tract of 223.09 Acres, more or less, as shown on the map of said Section Properties tract, as recorded in Instrument Number 2020-1555, as Venus, Ltd. (hereinafter referred to as *Pulsatum Venus tract*), as recorded in Instrument Number 2020-1555.

lot with the common line between said Sellers Properties tract and said Palladium Vennus tract, a distance of
 100 feet, same being the Southwest corner of said Palladium Vennus tract;

ies, continue with the common line between said Saddons Properties tract and said Pelichian Venus tract, a said Saddons Properties tract, same being the Southwesterly corner of said Pelichian Venus tract, same also the described F. M. Road 157, from which a one-half inch iron rod with plastic cap stamped "SUS 4701" found

about with the common line between said Sabena Properties tract and the existing Southwestern right-of-way line a distance of 1.77 feet.

Let, continue with the concrete line between said Subdue Properties tract and the existing Subduemasterly of 106.34 feet to a five-eighths inch iron rod with red plastic cap stamped "90LS-4308" set for corner;

1st, continue with the common line between said Saldana Properties tract and the existing Southeastern of 80.48 feet to a fire-eating brick iron rod with red plastic cap stamped "T915-6338" set for corner;

West, continue with the common line between said Saldana Properties tract and the existing Southwestly 1/4 37.72 feet to the PLACE OF BEGINNING, and containing a calculated area of 12.633 acres (553,960 square