



## **ORDINANCE NO. 644-2018-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS ZONING A PORTION OF A NEWLY ANNEXED PARCEL OF LAND REFERRED TO AS VENUS RIDGE IV AS A R-1L SINGLE-FAMILY RESIDENTIAL, LARGE LOT DISTRICT, ORDERING THE FILING OF THE ZONING DISTRICT DESIGNATION WITH LAND RECORDS, PROVIDING A PUBLICATION CLAUSE; CERTIFYING THIS ORDINANCE WAS PASSED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Venus ("City") is a Type A General Law municipality located in Johnson and Ellis Counties, Texas, created in accordance with the provisions of the TEXAS LOCAL GOVERNMENT CODE, Title 2, Chapter 6, and operating pursuant to enabling legislation of the State of Texas;

**WHEREAS**, the City Council ("Council") of the City serves as the elected governing body; directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants and in insuring that the city is a great place to work and live, preserving the value of property, and determining the best uses of land throughout the city to achieve these duties;

**WHEREAS**, the City is authorized and empowered to adopt and enforce zoning ordinances to regulate the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, court, and other open spaces; and the population density; the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes per TEXAS LOCAL GOVERNMENT CODE Section 211.003;

**WHEREAS**, the City is authorized and empowered to divide the municipality into zoning districts of a number, shape, and size the governing body considers best to achieve the goals of TEXAS LOCAL GOVERNMENT CODE Section 211.003 pursuant to TEXAS LOCAL GOVERNMENT CODE Section 211.005;

**WHEREAS**, the City is required to establish procedures for adopting and enforcing regulations and zoning district regulations and boundaries pursuant to TEXAS LOCAL GOVERNMENT CODE Section 211.006;

**WHEREAS**, the City is required to conduct a public hearing regarding any establishment or change of zoning pursuant to TEXAS LOCAL GOVERNMENT CODE Section 211.006(a);

**WHEREAS**, the City has adopted Chapter 34 – Zoning, of the VENUS CODE OF ORDINANCES to facilitate and promote the authorizations and requirements of TEXAS LOCAL GOVERNMENT CODE Chapter 211;

**WHEREAS**, as provided by VENUS CODE OF ORDINANCES Sec. 34-9 Annexed territory, the City is authorized to zone newly annexed territory at the same time the area is being annexed;

**WHEREAS**, the Council has received a petition for annexation for a parcel of land, accepted the petition, conducted public hearings, provided the required notices and voted in the majority, by ordinance, to annex said parcel of land, formally annexed the parcel of land into the city limits at the same meeting as this zoning request is being considered;

**WHEREAS**, the newly annexed parcel of land is being platted separately to accommodate both residential and light industrial uses;

**WHEREAS**, the Council and the landowner wish to permanently zone the newly annexed parcel of land rather than allowing for the default temporary agricultural zoning district designation;

**WHEREAS**, the Council held a public hearing, properly noticed and in compliance with the zoning ordinance and state law to hear from the public on the requested zoning district designation for the newly annexed area;

**WHEREAS**, landowner Wall009 L.L.C., whose managing member is Timothy Barton requests that a portion (approximately 37.74 acres of land) of the newly annexed territory referred to as “Venus Ridge IV”, for which a plat (Exhibit “1”) has been filed and approved by the City at their Monday, March 12, 2018 regular city council meeting, be zoned R-1L (Single-Family Residential, Large Lot District); and

**WHEREAS**, city staff, the city engineer, and the economic development team have reviewed the request and find the designation to be fitting of the nearby uses for the area, in compliance with the city zoning ordinance and in compliance with state law and have submitted their recommendation to Council to approve said zoning district designation request.

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

**SECTION ONE.**

The recitals and any attached exhibits to this ordinance are hereby incorporated herein for all purposes.

**SECTION TWO. DISTRICT DESIGNATION**

Council hereby finds the portion of newly annexed parcel of land, referred to as "Venus Ridge IV", a tract of approximately 37.74 acres of land and as described in the plat filed and accepted by the City, is hereby designated and zoned as a R-1L Single-Family Residential, Large lot District as provided in Section 34-49 of the VENUS CODE OF ORDINANCES.

**SECTION THREE. ORDERING DESIGNATION BE RECORDED**

The City Secretary and/or the city staff are ordered to record the district zoning designation in the land records of the County and to amend/update the city's current zoning map to reflect both the annexation and the zoning district designation. The zoning district designation shall run with the land, and not be changed, removed or altered without the City's consent and council action.

**SECTION FOUR. PUBLICATION**

The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the city, the caption, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the city, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed, if necessary, to incorporate the provisions of this ordinance into the CITY OF VENUS CODE OF ORDINANCES by submitting it to *www.municode.com* for incorporation and online publication.

**SECTION FIVE. OPEN MEETINGS ACT COMPLIANCE**

The Council and Mayor are committed to open and transparent government and are strong supporters of The TEXAS OPEN MEETINGS ACT. And as such, the meeting at which this ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

**SECTION SIX. SEVERABILITY**

Should any section, clause, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and

effect. Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **SECTION SEVEN. REPEALER**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

#### **SECTION EIGHT. EFFECTIVE DATE**

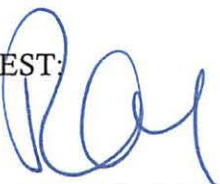
This ordinance shall become effective immediately from and after its passage by Council.

**PASSED AND APPROVED** by the City Council of the City of Venus, Texas, on this the 9<sup>th</sup> day of April 2018.

APPROVED:   
MAYOR JAMES L. BURGESS

PASSED: MONDAY, APRIL 9, 2018

I, the undersigned, City Secretary do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Venus City Council at a regular meeting duly convened on Monday, April 9, 2018.

ATTEST:   
RANA GAMEL  
City Secretary

APPROVED AS TO FORM:

  
CASS CALLAWAY  
City Attorney



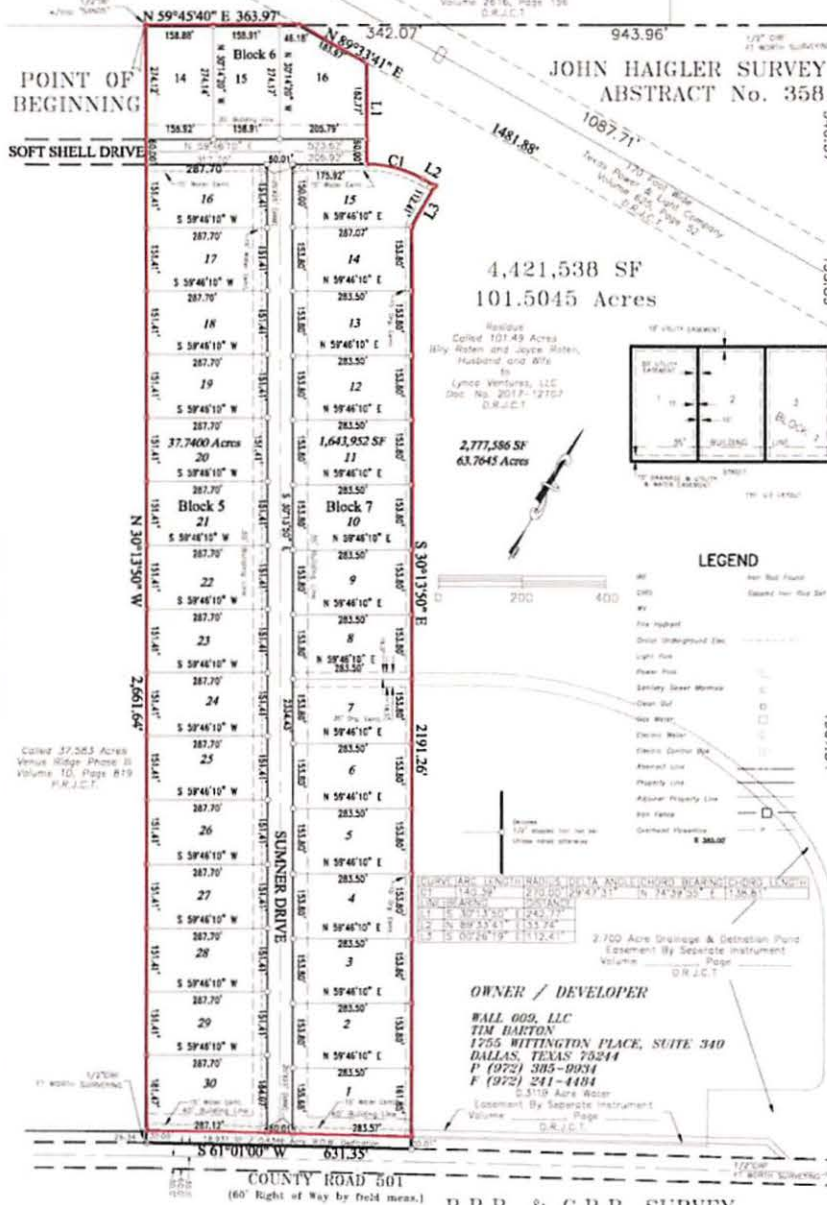


# Exhibit 1

Venus Ridge IV, R-1L -  
Residential Large-lot Zone.

B.B.B. & C.R.R. SURVEY

ABSTRACT No. 92



B.B.B. & C.R.R. SURVEY

ABSTRACT No. 93

## SURVEYOR'S STATEMENT

I, J. Scott Cole, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation, and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

J. Scott Cole  
Registered Professional Land Surveyor  
State of Texas No. 5411

STATE OF TEXAS  
COUNTY OF JOHNSON

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ 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 purposes and considerations therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notary Public in and for the State of Texas My commission expires:

CITY OF VENUS, TEXAS  
PLAT APPROVED  
BY: MAYOR DATE  
BY: CITY SECRETARY DATE  
PLAT FILED \_\_\_\_\_ 2017  
SAR \_\_\_\_\_ PG. \_\_\_\_\_  
JOHNSON COUNTY PLAT RECORDS  
BY: COUNTY CLERK

By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 48251C0250J and No. 48251C0255J, which bear a revised date of December 8, 2012 and is not in a Special Flood Hazard Area. As shown on the FEMA website (<http://msc.fema.gov>) by FIRMette created on November 30, 2017, we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

OWNER:  
Wall 009, LLC  
1755 Wittington Place, Suite 340  
Dallas, Texas 75244  
P (972) 385-9934

SURVEYOR:  
Sands Surveying Corporation  
2154 W. Northwest Highway  
Dallas, Texas 75220  
P (214) 919-7853  
Texas Firm Registration  
No. 10014600

ENGINEER:  
Hickman Consulting Engineers, Inc.  
3094 County Road 1024  
Farmersville, Texas 75442  
P (972) 784-2489  
Firm No. F-12172

WHELAN WALL 009, LLC is the owner of that certain called a 37.7400 acre tract of land situated in the John Haigler Survey, Abstract No. 358, Johnson County, Texas and being apart that certain called 191.49 acre tract of land described in Deed from Billy Ruten and Joyce Ruten, Husband and Wife to Lynce Ventures, LLC and recorded in County Clerk's Dec. No. 2017-12107 of the Deed Records of Johnson County, Texas, said 37.7400 acre tract of land to be more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod w/cap marked "SANDS" found for corner at the West corner of said 191.49 acre tract, the North corner of that certain called 37.283 acre tract of land known as Venus Ridge Phase III and recorded in Volume 10, Page 819 of the Plat Records of Johnson County, Texas, said 1/2" iron rod found also being in the Northwest line of said Haigler Survey, same being the Southeast line of the B.B.B. & C.R.R. Survey, Abstract No. 92, also being the Southeast line of that certain called 144.50 acre tract of land described in Deed to Wayne Hood and Eleanor Hood recorded in Volume 2016, Page 156 of said Deed Records;

THENCE North 59°45'40" East with said Southeast and Southeast lines a distance of 363.97 feet to a 1/2" iron rod with plastic cap marked "SANDS" set for corner in the South line of a 179-foot-wide Texas Power & Light Company Easement as described in Deed recorded in Volume 625, Page 52 of said Deed Records;

THENCE North 80°23'41" East across said 101.49 acre and with the South line of said Texas Power Light Company Easement a distance of 183.97 feet to a 1/2" iron rod with plastic cap marked "SANDS" set for corner;

THENCE South 50°13'50" East a distance of 242.77 feet to a 1/2" iron rod with plastic cap marked "SANDS" set for corner at the beginning of a non-tangent curve to the right;

THENCE in a Northerly direction with said curve to the right having a radius of 270.00 feet, whose chord bears North 74°38'55" East - 158.61 feet, for an arc length of 140.59 feet to a 1/2" iron rod with plastic cap marked "SANDS" set for corner;

THENCE South 80°23'41" West a distance of 33.74 feet to a 1/2" iron rod with plastic cap marked "SANDS" set for corner;

THENCE South 00°25'19" East a distance of 112.41 feet to a 1/2" iron rod with plastic cap marked "SANDS" set for corner;

THENCE South 50°13'50" East a distance of 2,191.26 feet to a 1/2" iron rod with plastic cap marked "SANDS" set for corner in the Northwest line of County Road 501 (60' Right-of-Way), same being the Southeast line of said 101.49 acre tract;

THENCE South 61°01'00" West with the Northwest line of said 101.49 acre tract the Northwest line of said County Road 501 a distance of 631.25 feet to a 1/2" capped iron rod found for corner at the South corner of said 101.49 acre tract same being the East corner of said Venus Ridge Phase III;

THENCE North 30°13'50" West with the Southwest line of said 101.49 acre tract and the Northeast line of said Venus Ridge Phase III a distance of 2,661.64 feet back to the POINT OF BEGINNING AND CONTAINING 1,643,952 Square Feet or 37.7400 acres of land more or less.

Bearing Source: All bearings are based on GPS Observations, Texas State Plane Coordinate System, North Central Zone.

## DECLARATION OF COVENANTS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Wall 009, LLC, does hereby adopt this plat designating the herein-described property as LOTS 16-30, BLOCK 5; LOTS 14-16, BLOCK 6; LOTS 1-15, BLOCK 7; VENUS RIDGE PHASE IV an addition to Johnson County, Texas and dedicate to the public the easements and right-of-way as shown on the plat, an addition to the City of Venus, Texas, and do hereby dedicate to the public use forever the streets and alleys shown thereon. The easements shown thereon are hereby reserved for the purposes as indicated and shall be open to fire, police and all public and private utilities for each use. The maintenance of paving on all easements is the responsibility of the property owner. No buildings, fences, trees, shrubs or other improvements shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using, or desiring to use same. All and any public utility shall have the full right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system on the easements and all public utilities shall at all times have the full right of ingress and egress to or from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing or parts of its respective system without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for reading meters and any maintenance and service required or ordinarily performed by that utility.

All utility easements shall also include additional area of working space for construction and maintenance of the public water and sanitary sewer systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services from the main to and including the meters and boxes, sewer laterals from the main to the curb or pavement line, and the descriptions of such additional easements herein granted shall be determined by their locations as installed.

This plat approved subject to all platting ordinances, rules, and regulations of the City of Venus, Johnson County, Texas.

WITNESS OUR H A N D at Dallas, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Wall 009, LLC  
1755 Wittington Place, Suite 340  
Dallas, Texas 75244  
P (972) 385-9934  
F (972) 241-4484

STATE OF TEXAS  
COUNTY OF JOHNSON

By: \_\_\_\_\_  
Tim Barton  
BEFORE ME, the undersigned authority, on this day personally appeared Tim Barton, 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 purposes and considerations therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notary Public in and for the State of Texas My commission expires:

**F I N A L P L A T**  
**LOTS 16-30, BLOCK 5; LOTS 14-16, BLOCK 6;**  
**LOTS 1-15, BLOCK 7**  
**VENUS RIDGE PHASE IV**  
**37.7400 ACRES**  
**situated in the**  
**JOHN HAIGLER SURVEY**  
**ABSTRACT No. 358**  
**CITY OF VENUS, JOHNSON COUNTY, TEXAS**