

AN ORDINANCE OF THE CITY OF VAN ALSTYNE, TEXAS AMENDING THE ZONING ORDINANCE TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM AGRICULTURAL DISTRICT (A) UPON ANNEXATION TO HEAVY MANUFACTURING/ INDUSTRIAL DISTRICT-MI-2 (MI-2) ON A 14.920 ACRE TRACT OF LAND DESCRIBED AS PART OF THE ASHLEY MCKINNEY SURVEY, ABSTRACT NO. 851, GRAYSON COUNTY, TEXAS GENERALLY LOCATED NORTH OF FM AND EAST OF THE DART RAILROAD RIGHT-OF-WAY, IN THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS; PROVIDING REPEALING; SAVINGS AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Van Alstyne, Texas (the “City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Van Alstyne, Texas (“Van Alstyne”) to rezone the Property as a single-family residential district, as set forth below; and

WHEREAS, the City of Van Alstyne, Texas (“Van Alstyne”) has received a request from VA Industrial Partners, LP to amend the zoning from an Agricultural District (A) to a Heavy Manufacturing/Industrial Zoning District (MI-2); and

WHEREAS, the 14.920 acre tract of land being described as part of the Ashley McKinney Survey, Abstract No. 851, Grayson County, Texas, generally located north of FM 3133 and east of the DART Railroad Right-of-Way and being more particularly described in Exhibit “A” attached hereto and incorporated herein for all purpose (the “Property”); and

WHEREAS, the City Council has determined that the facts contained in the request are true and correct; and

WHEREAS, the Planning and Zoning Commission and the City Council, in accordance with state law and the City of Van Alstyne Zoning Ordinance No. 557, as codified, (“Zoning Ordinance”), have given the required notices and have held the required public hearings and made a recommendation regarding the zoning of the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS THAT:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

SECTION 2: Zoning Reclassification Granted. Van Alstyne's Zoning Ordinance is hereby amended to reflect that the Property is hereby rezoned from Agricultural District (A) to Heavy Manufacturing/Industrial District (MI-2).

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or entity violating the Ordinance, or any provision of Van Alstyne's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days' violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 6: Severability. Should any section, 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. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Savings/Repealing Clause. Van Alstyne Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinances, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS on the 8th day of June, 2021.

Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jennifer Gould, City Clerk

Date of Publication: Van Alstyne Leader, June 25, 2021

EXHIBIT A
LEGAL DESCRIPTION

BEING A TRACT OF LAND LOCATED IN THE ASHLEY MCKINNEY SURVEY, ABSTRACT NO. 851, VAN ALSTYNE, GRAYSON COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO BENTON HOLDINGS, RECORDED IN VOLUME 3015, PAGE 384, OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS (O.R.G.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON WITH A CAP STAMPED "RPLS 4709" FOUND IN THE EAST RIGHT-OF-WAY LINE OF THE DALLAS, GARLAND AND NORTHEASTERN (DGNO) RAILROAD RIGHT-OF-WAY, A 125-FOOT RIGHT-OF-WAY, AT THE WEST COMMON CORNER OF SAID BENTON HOLDINGS TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO VA INDUSTRIAL PARTNERS, LP, RECORDED IN INSTRUMENT NO. 2020-20817, O.R.G.C.T.;

THENCE NORTH 22°10'17" WEST, ALONG SAID EAST RAILROAD RIGHT-OF-WAY, A DISTANCE OF 726.39 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE NORTHWEST CORNER OF SAID BENTON HOLDINGS TRACT;

THENCE SOUTH 88°57'11" EAST, LEAVING SAID EAST RAILROAD RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID BENTON HOLDINGS TRACT, PASSING AT A DISTANCE OF 104.35 FEET A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4488" FOUND AT THE SOUTHWEST CORNER OF LOT 1 OF JACKSON COLEMAN INDUSTRIAL PARK, AN ADDITION TO THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14, PAGE 20, PLAT RECORDS, GRAYSON COUNTY, TEXAS (P.R.G.C.T.), AND CONTINUING ALONG THE COMMON LINE OF SAID LOT 1 AND SAID BENTON HOLDINGS TRACT FOR AN ADDITIONAL DISTANCE OF 598.22 FEET TO THE SOUTHWEST CORNER OF LOT 2R OF THE REPLAT OF LOT 2, JACKSON COLEMAN INDUSTRIAL PARK, AN ADDITION TO THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14, PAGE 79, P.R.G.C.T., AND CONTINUING FOR A TOTAL DISTANCE OF 1,257.92 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4488" FOUND AT THE NORTHEAST CORNER OF SAID BENTON HOLDINGS TRACT, FROM WHICH A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4488" FOUND AT THE SOUTHEAST CORNER OF SAID LOT 2R BEARS SOUTH 88°57'11" EAST, A DISTANCE OF 39.89 FEET;

THENCE SOUTH 05°30'10" WEST, LEAVING SAID COMMON LINE, A DISTANCE OF 501.88 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID BENTON HOLDINGS TRACT AND SAID VA INDUSTRIAL PARTNERS TRACT;

THENCE SOUTH 80°52'58" WEST, ALONG THE COMMON LINE OF SAID BENTON HOLDINGS TRACT AND SAID VA INDUSTRIAL PARTNERS TRACT, A DISTANCE OF 947.43 FEET TO THE POINT OF BEGINNING AND CONTAINING 649,920 SQUARE FEET OR 14.920 ACRES OF LAND, MORE OR LESS.