

ORDINANCE NO. 37

AN ORDINANCE OF THE CITY OF POST OAK BEND, TEXAS, ADOPTING RSF "RESIDENTIAL SINGLE FAMILY" ZONING FOR THE PROPERTY DESCRIBED AS THE PEBBLE CREEK ESTATES ADDITION, AN ADDITION TO THE CITY OF POST OAK BEND, AND A TRACT OF 4.00 ACRES OF LAND, IN THE R. ANTHONY SURVEY, ABSTRACT NO. 1, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Post Oak Bend, in compliance with the laws of the State of Texas with reference to the granting of zoning classification and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of Post Oak Bend is of the opinion and finds that a zoning change should be granted and the Comprehensive Zoning Ordinance and Map should be amended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POST OAK BEND, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Post Oak Bend, Texas, are hereby amended by zoning the following described property for Residential Single Family ("RSF") uses, the property being more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes, the same as if fully copied herein.

SECTION 2. That the above described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Post Oak Bend, as amended hereby.

SECTION 3. All provisions of the ordinances of the City of Post Oak Bend in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning

Ordinance as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Post Oak Bend, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offence; and every day such violation shall continue shall be deemed to constitute a separate offence.

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 provides.

DULY PASSED by the City Council of the City of Post Oak Bend, Texas, on the 3rd day of August 2017.

APPROVED:



RAYMOND BEDRICK, MAYOR

ATTEST:



CITY SECRETARY

EXHIBIT "A"

All that certain lot, track or parcel of land situated in the R. ANTHONY SURVEY, ABSTRACT No. 1, Kaufman County, Texas and being a part of the 58.000 acres tract of land as described in a Warranty deed from Donald F. McGowen to Donna Sue Ashcraft as recorded in Volume 848, Page 348 of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at concrete monument found for corner at the North most corner of the above cited track of land:

THENCE S. 42 deg. 41 min. 37 sec. E., a distance of 282.11 feet to a 1/2" iron rod found for corner;

THENCE N. 46 deg. 17 min. 48 sec. E.. a distance of 280.98 feet to a 3/9" iron rod found for corner at the East most North corner of said 58.000 acres tract;

THENCE S. 42 deg. 39 min. 05 sec. E.. along the Northeast line of said 58.000 acres tract, a distance of 276.08 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE S. 46 deg. 43 min. 25 sec. W. a distance of 455.28 feet to a 1/2: iron rod with yellow plastic cap stamped "R.B.C.I. RPLS 50434" set for corner in the Northwest boundary line of said 58.000 acres tract;

THENCE N. 46 deg. 58 min. 37 sec. N. along the Northwest boundary line of said 58 acres tract, a distance of 174.11 feet to the POINT OF BEGINNING and contained 4.00 acres of land.

Pebble Creek Subdivision Legal Description

All that certain lot, tract or parcel of land, part of the R. Anthony Survey, Abstract No. 1 Kaufman County, Texas, all of that certain called 53.92 acre tract conveyed to Affordable Auto, Inc. by Sherilyn Y. Smith on March 19, 2002, recorded in Vol. 1988 page 167 of the Deed Records of Kaufman County, Texas and being more completely describe as follows, to-wit:

BEGINNING at a point for corner of the East corner of the above mentioned 53.92 acre tract, at the South corner of the James A. Ball 23.407 acre tract, recorded in Vol. 648 page 285 of the Deed Records of Kaufman County, Texas in the Southeast line of the above mentioned R. Anthony Survey and being in the centerline of County Road No 279, from which a 3/6" Iron rod set in the Northwest line of said road bears N 42 deg.39 min.05 sec. W-30.00 R.

THENCE S 46 deg. 43 min. 00 sec. W, with the Southeast line of said H. Anthony Survey end with the centerline of County Road 279, a distance of 1198.23 ft. to a point for corner at the East corner of the David Garrick, 2.428 acre tract, recorded in Vol. 1172 page 608 of the Deed Records of Kaufman County, Texas from which a 3/6" Iron rod set in the Northwest line of said road bears N 40 deg. 46 min 12 sec. W-30.03 ft.

THENCE N 40 deg. 46 min 12 sec. W. with the Northeast line of said 2.420 acre tract, passing the North corner of same, continuing a total distance of 364.03 ft to a 3/6" Iron rod set at the Easterly North corner of the David Garrick 3.099 acre tract recorded in Vol. 1261 page 991 of the Deed Records of Kaufman County, Texas.

THENCE S 46 deg. 38 min. 42 sec. W, with the Easterly Northwest line of said 3.099 acre track, a distance of 245.44 ft to a 1/2" Iron rod found at an corner of same.

THENCE N 42 deg. 29 min. 41 sec. W, with the Westerly Northeast line of said 3.099 acre track, at a distance of 355.75 feet to a 3/6" Iron road set at the Westerly North corner of same.

THENCE S 0 deg. 50 min. 34 sec. We, with the Westerly Northwest line of said 3.099 acre tract,..... a distance of 209.89 ft. to a 1/2" Iron rod found at an angle corner of the above mentioned 53.92 acre tract.

THENCE N 42 deg. 33 min. 58 sec. W. passing the Northerly East corner of the Brenda J. Hammond 45.014 acre tract, recorded in Vol. 848 page 351 of the Deed Records of Kaufman County, Texas, continuing a total distance of 917.51 ft to a 1/2" Iron rod found for corner.

THENCE N 55 deg. 56 min. 17 sec E, a distance of 178.30 ft to a 1/2" Iron rod found for corner.

THENCE N. 41 deg. 56 min. 41 sec. W. a distance of 360.08 ft to a 1/2" Iron rod found at the Northerly West corner of the above mentioned 53.92 acre tract and being in the Southeast line of the Antonio Cotto 19.8815 acre tract, recorded in Vol. 877 page 152 of the Deed Records of Kaufman County, Texas

THENCE N 48 deg. 21 min.44 sec. E, with the Southeast line of said 19.8815 acre tract, a distance of 518.82 ft to a 1/2" Iron rod found at the East corner of same and being at the South corner of the Raymond E. Bedrick 22.983 acre tract, recorded in Vol. 1110 page 475 of the Deed Records of Kaufman County, Texas.

THENCE N 47 deg. 00 min. 28 sec. E, with the Southeast line of said 22.983 acre tract, a distance of 419.11 ft. to a 3/8" Iron rod set at the Westerly North corner of the above mentioned 53.92 acre tract.

THENCE S 42 deg. 38 min. 54 sec. E, a distance of 556.78 ft to a 1/2" Iron rod found at an oil corner of said 53/92 acre tract.

THENCE N 46 deg. 48 min. 41 sec. E, a distance of 455.19 ft to a 1/2" Iron rod found at the Easterly North corner of said 53.92 acre tract and being in the Southwest line of the above mentioned 23.407 acre tract.

THENCE S 42 deg. 39 min. 05 sec. E, with the Easterly Northeast line of said 53.92 acre tract, a distance of 1243.41 ft to the point of beginning, continuing 53.92 acres of land, of which 0.825 of an acre is within the above mentioned County Road No. 279.

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DULY PASSED by the City Council of the City of Post Oak Bend, Texas, on the 3rd day of August 2017.

APPROVED:

Raymond Bedrick
RAYMOND BEDRICK, MAYOR

ATTEST:

Barbara Bedrick
CITY SECRETARY