

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM GENERAL RETAIL DISTRICT (GR) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 2.605 ACRES OF LAND IN THE J. GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Forney, Texas ("City") is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the Home Rule Charter for the City of Forney, Texas; and

WHEREAS, the City Council of the City of Forney ("City Council"), pursuant to Chapter 211 of the Texas Local Government Code, as amended, possesses the power to regulate zoning and development in the City; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission and a public hearing was held before the City Council, after due notice thereof was had in accordance with the Comprehensive Zoning Ordinance of the City of Forney, Texas ("Zoning Ordinance") regarding the rezoning sought hereby; and

WHEREAS, at such public hearings all persons having any interest in doing so were afforded an opportunity to be heard concerning the proposed zoning change; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council; and

WHEREAS, the City Council further finds and determines that the proposed amendment to the Zoning Ordinance is in the best interest of the health, safety, morals, and general welfare of the City of Forney, Texas.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. ZONING AMENDED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Forney, Texas, is

hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said Zoning Ordinance are not amended, but shall remain intact and are hereby ratified, verified, and affirmed to create a change in the zoning classification of the property described herein, as follows:

That certain tract of land consisting of 2.605 acres of land situated in the J. Gregg Survey, Abstract No. 171, and more commonly known as 905 East Broad Street, in the City of Forney, Kaufman County, Texas, and more fully described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes ("Property"), presently zoned General Retail District (GR) is hereby rezoned to Light Industrial District (LI), in accordance with specific requirements in the City's Comprehensive Plan and the Comprehensive Zoning Ordinance of Forney, Texas, and incorporated herein by reference for all purposes allowed by law.

Section 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 4. SAVINGS CLAUSE

The Comprehensive Zoning Ordinance of the City of Forney, Texas, Ordinance No. 1085, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. REPEALER CLAUSE

Any previously approved Conditional Use Permit for this property and any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 7. EFFECTIVE DATE

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, this ____ day of _____, 2021.

Amanda Lewis, Mayor

ATTEST:

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

Jon Thatcher, City Attorney

EXHIBIT "A"
DESCRIPTION OF PROPERTY
(SEE ATTACHED)

EXHIBIT "A"

BEING all that certain tract or parcel of land in the City of Forney, Kaufman County, Texas and being a part of Block 42 of the Original Town of Forney and being all that 2.685 acre tract as conveyed from Thomas R. Rogers and Mary Lou Rogers to Texas Commerce Bank-Northwest as recorded in Volume 897, Page 328 of the Deed Records of Kaufman County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod set for corner at the north corner of said Block 42, said point being at the intersection of the southeast R.O.W. of Chestnut Street and the southwest R.O.W. of Old U.S. Highway 80, said point also being on a curve to the southeast, having a central angle of $6^{\circ}32'03''$, a radius of 1722.22 feet and a chord bearing of $84^{\circ}43'59''$ E, 196.38 feet; THENCE with said curve and the southwest R.O.W. of Old U.S. Highway 80, (a 100' R.O.W.), an arc length of 196.41 feet to a 1/4" iron rod found for corner; THENCE $83^{\circ}00'00''$ E, continuing along said R.O.W., a distance of 171.57 feet to a 1/2" iron rod found for corner and the POINT OF BEGINNING;

THENCE $83^{\circ}00'00''$ E, continuing along the southwest R.O.W. of Old U.S. Highway 80, a distance of 209.13 feet to a 1/2" iron rod set for corner, said point being the beginning of a curve to the left, having a central angle of $4^{\circ}34'08''$, a radius of 1762.42 feet and a chord bearing of $83^{\circ}27'04''$ E, 158.75 feet;

THENCE with said curve, and R.O.W.; an arc length of 158.79 feet to a 1/2" iron rod set for corner;

THENCE $83^{\circ}00'32''$ W, a distance of 312.60 feet to a 1/2" iron rod set for corner in the northeast R.O.W. of the Texas and Pacific Railroad, said point being on a curve to the northwest, having a central angle of $10^{\circ}47'43''$, a radius of 1846.65 feet and a chord bearing of $N55^{\circ}40'22''$ W, 347.44 feet;

THENCE with said curve and the northeast R.O.W. of the Texas and Pacific Railroad, an arc length of 347.95 feet to a 1/2" iron rod set for corner;

THENCE $N38^{\circ}58'15''$ E, a distance of 145.98 feet to a 1/2" iron rod set for corner;

THENCE $N51^{\circ}01'45''$ W, a distance of 17.58 feet to a 1/2" iron rod set for corner;

THENCE $N38^{\circ}58'15''$ E, a distance of 175.98 feet to the POINT OF BEGINNING and containing 2.685 acres of land,

