

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, PROVIDING AN INITIAL ZONING DISTRICT AND USE CLASSIFICATION OF EMPLOYMENT CENTER INDUSTRIAL (EC-I) ON APPROXIMATELY 23.24 ACRES OF LAND GENERALLY LOCATED ON THE WEST SIDE OF GEESLING ROAD, APPROXIMATELY 700 FEET SOUTH OF EAST UNIVERSITY DRIVE (US 380), IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; ADOPTING AN AMENDMENT TO THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (Z16-0008)

WHEREAS, Randall Smith, property owner, has applied for an initial zoning district and use classification of Employment Center Industrial (EC-I) on approximately 23.24 acres of land legally described in Exhibit "A" and illustrated in Exhibit "B", attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on July 13, 2016, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded full and fair hearings to all property owners interested in this regard, and have recommended approval (7-0) of the initial zoning district and use classification; and

WHEREAS, on August 16, 2016, the City Council likewise conducted a public hearing as required by law, and finds that the request meets and complies with all substantive and procedural standards set forth in Section 35.3.4 of the Denton Development Code, and is consistent with the Denton Plan and the Denton Development Code;

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton, in considering the application for an initial zoning classification of the property, have determined that the proposed district is in the best interest of the health, safety, morals, and general welfare of the City of Denton, and accordingly, the City Council of the City of Denton is of the opinion and finds that said district is in the public interest and should be granted as set forth herein; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. The zoning district and use classification for the Property is hereby established as Employment Center Industrial (EC-I).

SECTION 3. The City's official zoning map is hereby amended to show the change in the zoning district and use classification.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 6. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
ANITA BURGESS, CITY ATTORNEY

BY:   
Deputy City Attorney

## Exhibit A

ALL THAT CERTAIN Tract or Parcel of land situated in the MOREAU FORREST SURVEY, Abstract Number 417, Denton County, Texas; and being a part of a tract of land described in a deed to the Geesling Property Trust, Geesling Gassaway County, Inc., as recorded in Instrument Number 2005-50246, of the Real Property Records of Denton County, Texas; the subject tract being more particularly described as follows:

BEGINNING at a Mag Nail found for the Southeast corner of said Geesling Tract in an asphalt road under apparent public use, posted as Geesling Road, said point being the recognized and occupied Northeast corner of a tract of land described in a deed to DPD, L.L.P., as recorded in Instrument Number 2003-194876 of said Real Property Records of Denton County, Texas;

THENCE North 87 degrees 59 minutes 28 seconds West with the North line of said DPD Tract and a South line of said Geesling Tract, along or near a fence a distance of 1164.94 feet to wood fence post found for the Southernmost Southwest corner of said Geesling Tract, and the Northwest corner of said DPD Tract, in the East line of Lot 2, Block A of the Batey Addition, an addition to the City of Denton, according to the Plat there of recorded in Cabinet L, Page 373 of the Plat Records of Denton County, Texas;

THENCE North 02 degrees 12 minutes 06 seconds East with a West line of said Geesling Tract and the East line of said Lot 2, along or near a fence a distance of 78.49 feet to a wood fence post found for the Northeast corner of said Lot 2;

THENCE North 87 degrees 16 minutes 41 seconds West with a South line of said Geesling Tract and the North line of said Lot 2, along or near a fence a distance of 248.79 feet to a wood fence post found for the Westernmost Southwest corner of said Geesling Tract, in the East line of a tract of land described in a deed to Key-Roberts Partners, LTD., as recorded in Instrument Number 1999-130463 of said Real Property Records of Denton County, Texas;

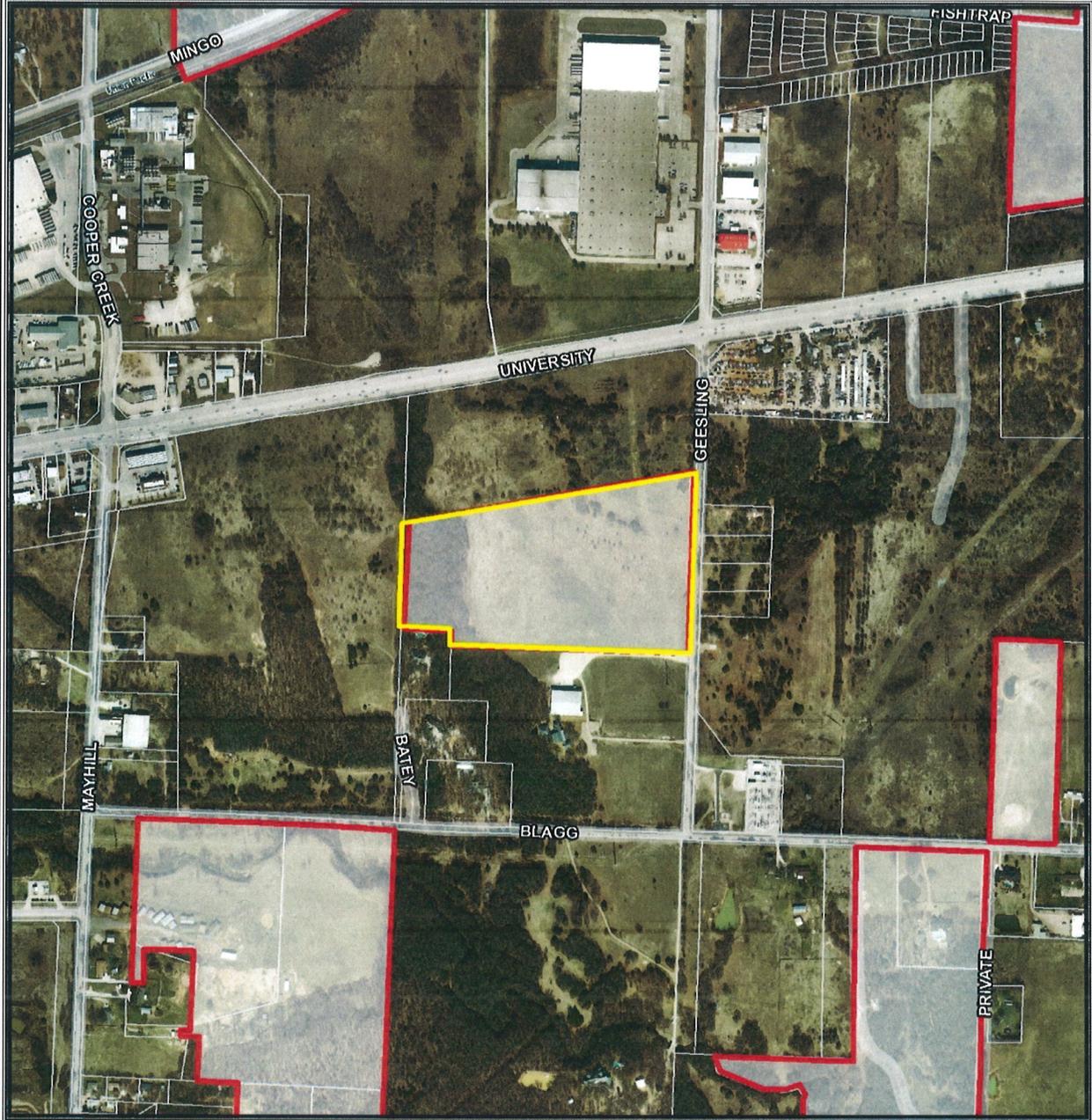
THENCE North 01 degree 40 minutes 51 seconds East with the East line of said Key-Roberts Tract and a West line of said Geesling Tract a distance of 500.04 feet, to the existing City Limits of the City of Denton;

THENCE North 80 degrees 12 minutes 23 seconds East, with said City Limits line a distance of 1446.62 feet to the East line of said Geesling Tract, in said Geesling Road;

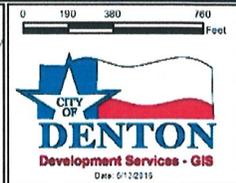
THENCE South 01 degree 59 minutes 27 seconds West with the East line of said Geesling Tract, and with said Geesling Road, a distance of 877.51 feet to the PLACE OF BEGINNING, and enclosing 23.24 acres, more or less.

Exhibit B

**Z16-0008  
Site Location**



- |   |         |   |     |
|---|---------|---|-----|
|  | SITE    |  | COD |
|  | Parcels |   | ETJ |
|   | Roads   |   |     |



The City of Denton has prepared maps for departmental use. These are not official maps of the City of Denton and should not be used for legal, engineering or surveying purposes but rather for reference purposes. These maps are the property of the City of Denton and have been made available to the public based on the Public Information Act. The City of Denton makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this map indicates understanding and acceptance of this statement.