

2002-147

Additional File Exists

Additional File Contains Records Not Public, According to the Public Records Act

Other

[illegible]

ORDINANCE NO. 2002-147

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING ORDINANCES 91-034 AND 99-317, TO CHANGE THE PERMITTED LAND USES FOR THE PLANNED DEVELOPMENT 139 (PD-139) ZONING DISTRICT AND LAND USE CLASSIFICATION TO ALLOW AMENITY CENTERS AND THE DRILLING, COMPLETING, OPERATING, REWORKING, RECOMPLETING AND PRODUCING OF NATURAL GAS; SAID PD139 CONTAINS APPROXIMATELY 401 ACRES AND IS COMMONLY KNOWN AS THE VINTAGE; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (Z01-0048)

WHEREAS, on March 5, 1991, by Ordinance 91-034 the City Council approved a change in zoning for 450.6 acres of land to Planned Development 139 (PD-139) zoning district, as more particularly described therein; and

WHEREAS, on September 7, 1999, by Ordinance 99-317 the City Council approved an amendment to the Concept Plan of Planned Development 139 (PD-139) zoning district, as more particularly described therein, and

WHEREAS, Denton CJW Partner, Ltd, has applied for an amendment to the concept plan for Planned Development 139 (PD-139) containing 401.23 acres of land as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"); and

WHEREAS, on March, 27, 2002, the Planning and Zoning Commission concluded a public hearing as required by law, and recommended approval with conditions of the requested amendment to the concept plan; and

WHEREAS, the City Council finds that the amendment to the concept plan is consistent with the Comprehensive Plan; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Ordinances No. 91-034 and No. 99-317, providing approval for the rezoning of 450.6 acres to Planned development 139 (PD-139) and the original concept plan, and the amended concept plan for the Property, are amended to allow gas well development and amenity center has permitted uses, subject to the following conditions:

1. Gas well development shall comply with Subchapter 35.22 of the Development Code.
2. The location of any structure or apparatus related to gas well operations, within dedicated parkland, shall be compatible with future plans for the parkland area.

3. Location of gas wells shall be disclosed to any prospective homebuyers.
4. Amenity centers shall not be located in a floodplain area.

SECTION 2. The provisions of this ordinance as they apply to the amendments herein approved, shall govern and control over any conflicting provisions of Ordinances No. 91-034 and No. 99-317, but all the provisions of Ordinances No. 91-034 and No. 99-317 as they apply to the regulations of the district not herein amended, shall continue in force and effect and shall apply to the remainder of said district.

SECTION 3. A copy of this ordinance shall be attached to Ordinances No. 91-034 and No. 99-317 showing the amendment herein approved.

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 other provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

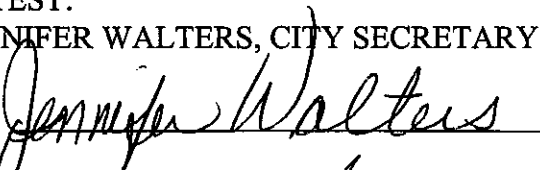
SECTION 6. This ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 14th day of May, 2002.


EULINE BROCK, MAYOR

ATTEST:

JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:

HERBERT L. PROUTY, CITY ATTORNEY

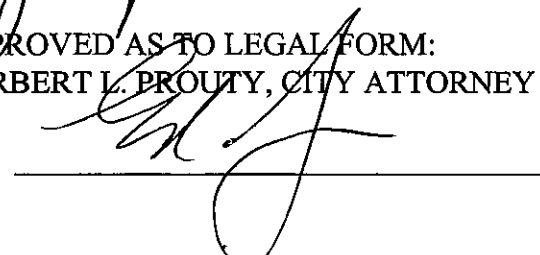
BY: 

Exhibit "A"

All of the James Edmonson Survey, Abstract No. 401 and the James L. Harris Survey, Abstract No. 555 and a part of the S. A. Pritchett Survey, Abstract No. 1021, situated about 4 miles south 35 degrees west from the courthouse in Denton County, Texas; and embracing all of Parcel No. 1 described in the deed to Denton CJW Partners, LTD., recorded in Clerks Document No. 98-R0036601 of the Denton County, Deed Records.

Beginning at the southeast corner of said James Edmonson Survey in the middle of a County Road for the southeast corner of said Parcel No. 1, from which an 8" pipe post bears north 88 degrees-50 minutes 30-seconds west 30-5/10 feet.

Thence north 88 degrees-50 minutes-30 seconds west, to and along a fence for the south line of said Parcel No. 1, a distance of 2658-69/100 feet to a 1" iron on the west side of a corner post of a fence, for the southwest corner of said Edmonson Survey and the southeast corner of said S. A. Pritchett Survey and southerly southwest corner of said Parcel No 1.

Thence north no degrees-33 minutes-20 seconds east, along the common line of said Edmonson and Pritchett Surveys for the southerly west line of said Parcel No. 1, a distance of 2217-66/100 feet to a 1" iron on the east side of an old 10" Oak corner post of a fence for a reentrant corner of said Parcel No. 1.

Thence north 89 degrees-06 minutes-19 seconds west, along a south line of said Parcel No. 1, a distance of 1997-71/100 feet to a 1" iron for the westerly southwest corner of said Parcel No. 1 and the southerly southeast corner of the 42-526/1000 acres tract described in the deed to the State of Texas for highway right of way recorded in volume 529, page 538 of the said Deed Records.

Thence northerly along the westerly line of said Parcel No. 1 and easterly line of said State of Texas tract:

north 27 degrees-24 minutes east, 67-4/10 feet to a 5/8" iron set;
north 30 degrees-30 minutes-19 seconds east, 599-93/100 feet to a damaged highway monument;
north 77 degrees-36 minutes-05 seconds east, 312-4/10 feet to a highway monument;
north 27 degrees-46 minutes-04 seconds east, 644-48/100 feet to a highway monument;
north 17 degrees-40 minutes-05 seconds west, 183-48/100 feet to a damaged highway monument;
north 62 degrees-19 minutes-40 seconds west, 138-75/100 feet to a highway monument;
north 27 degrees-26 minutes-28 seconds east, 425-07/100 feet to a highway monument;
north 22 degrees-24 minutes-56 seconds east, 100-27/100 feet to a damaged highway monument;
north 27 degrees-39 minutes-15 seconds east, 1271-27/100 feet to a 1" iron in the north line of said Pritchett Survey and for the northwest corner of the said Parcel No. 1.

Thence south 89 degrees-01 minutes-54 seconds east, along the said north line of Pritchett Survey, to and along the north line of said Harris Survey, for the north line of said Parcel No. 1, a distance of 3059-35/100 feet to a 1" iron for the northeast corner of said Harris Survey and said Parcel No.1.

Thence south no degrees-07 minutes-20 seconds west, to and along the said middle of County Road, being along the east line of said Harris Survey, to along the east line of said Edmonson Survey for the east line of said Parcel No. 1, a distance of 5300-12/100 feet to the place of beginning and containing 401-203/100 acres of which 3-96/100 acres lie within said County Road, leaving 397-243/1000 acres exclusive of said Road.

Basis for bearings is deed call along the east line of Parcel No. 1.