

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING APPROVAL OF A DETAIL PLAN FOR PLANNED DEVELOPMENT 12 (PD-12) DISTRICT TO DEPICT A NEW OR USED CAR SALES LOT ON APPROXIMATELY 7.11 ACRES OUT OF A 34.40-ACRE TRACT. THE PROPERTY IS GENERALLY LOCATED ON THE WEST SIDE OF I-35E, APPROXIMATELY 3,200 FEET SOUTHEAST OF STATE SCHOOL ROAD; AND PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000 FOR VIOLATIONS THEREOF, SEVERABILITY AND AN EFFECTIVE DATE. (PDA17-0006)

WHEREAS, Jim/Heritage, LP. has applied for a Planned Development Amendment on approximately 7.11 acres out of 34.40 acres of land legally described and depicted in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, "the Property"); and

WHEREAS, On June 3, 1986, by Ordinance 86-109, the City Council approved a Concept Plan for 74.8 acres of land located within the Planned Development 12 (PD-12) zoning district, and

WHEREAS, On May 5, 1987, by Ordinance 87-084, the City Council approved an amended Concept Plan for 43.3 acres of land located within the Planned Development 12 (PD-12) zoning district; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Ordinance No 87-084 is amended by approving the Detail Plan attached hereto and incorporated herein by reference as Exhibit "B" located within PD-12.

SECTION 2. The provisions of this ordinance as they apply to the 7.11 acres shown in the amended Detail Plan herein approved, shall govern and control over any conflicting provisions of Ordinance No. 87-084, but all provisions of Ordinance No. 87-084, as they apply to that remaining portion 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 Ordinance No 87-084 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 the 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 _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: 

METES AND BOUNDS DESCRIPTION

BEING a 34.368 acre tract of land situated in the Gideon Walker Survey, Abstract Number 1330, Denton County, Texas, in the City of Denton. Being the tract of land described in the instrument to Jim/Heritage, L.P. recorded in Document Number 2007-123418, Deed Records of Denton County, Texas, said 34.368 acre tract of land being more particularly described as follows:

BEGINNING at a ½ inch iron rod with a cap stamped "KAZ" found in the southwesterly right-of-way line of Interstate Highway 35E for the most easterly corner of the tract of land described in the instrument to TT of Denton, Inc. recorded in Document Number 2014-3733, Deed Records of Denton County, Texas;

THENCE with the southwesterly right-of-way line of Interstate Highway 35E the following:

South 50° 32' 52" East (Document Number 2007-123418 = South 50° 37' 07" East) a distance of 1,242.42 feet to the beginning of a non-tangent curve to the left having a radius of 5,879.65 feet;

Southeasterly along said curve through a central angle of 00° 11' 11" an arc distance of 19.13 feet with a chord bearing of South 41° 00' 10" East (Document Number 2007-123418 = South 41° 04' 25" East) and a chord distance of 19.13 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the most northerly corner of the tract of land described in the deed to 4984 Partners Limited recorded in Document Number 2004-22521, Deed Records of Denton County, Texas;

THENCE departing the southwesterly right-of-way line of Interstate Highway 35E with the northwesterly line of said 4984 Partners Limited tract South 51° 31' 36" West (Document Number 123418 = South 51° 32' 17" West) a distance of 713.01 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for corner;

THENCE North 50° 26' 08" West (Document Number 123418 = North 50° 25' 27" West) a distance of 630.36 feet to a point;

THENCE North 87° 46' 57" West (Document Number 123418 = North 87° 46' 16" West) a distance of 761.94 feet to a ½ inch iron rod found for the northeasterly corner of a 110 foot wide Channel as shown on the Wimbledon Village, Phase V Addition according to the plat recorded in Cabinet B, Page 309, Plat Records of Denton County, Texas for the beginning of a non-tangent curve to the left having a radius of 2,672.21 feet;

THENCE with the northerly line of said 110 foot wide Channel the following:

Northwesterly along said curve through a central angle of 02° 03' 24" an arc distance of 95.92 feet with a chord bearing of North 88° 48' 39" West (Document Number 123418 = North 88° 47' 58" West) and a chord distance of 95.91 feet to a point in the southerly

line of Wimbledon Boulevard as shown on said Wimbledon Village, Phase V Addition for the beginning of a non-tangent curve to the right having a radius of 785.00 feet;

Northwesterly along said curve through a central angle of $32^{\circ} 15' 54''$ an arc distance of 442.06 feet with a chord bearing of North $74^{\circ} 06' 02''$ West (Document Number 123418 = North $74^{\circ} 05' 21''$ West) and a chord distance 436.24 feet to a $\frac{1}{2}$ inch iron rod found for the end of said curve;

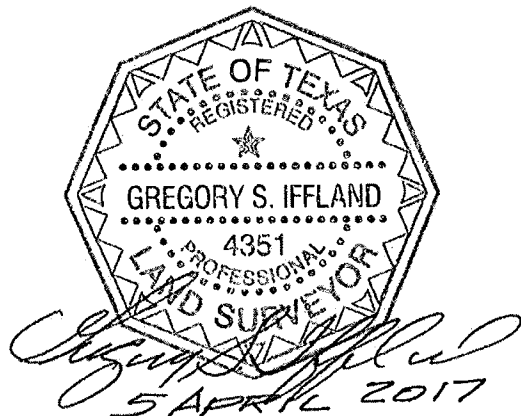
North $57^{\circ} 55' 39''$ West (Document Number 123418 = North $57^{\circ} 54' 58''$ West) a distance of 322.96 feet found for the southeasterly corner of James Wood Autopark Addition, Phase III, an addition to the City of Corinth according to the plat recorded in Cabinet R, Slide 308, Plat Records of Denton County, Texas;

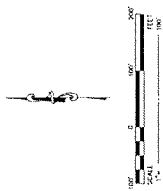
THENCE departing the northerly line of said 110 foot wide Channel with the easterly line of said James Wood Autopark Addition North $38^{\circ} 05' 43''$ East a distance of 739.03 feet (Document Number 123418 = North $38^{\circ} 03' 04''$ East 739.24 feet) to a $\frac{5}{8}$ inch iron rod with a cap stamped "Dunaway Assoc LP" set for the most westerly corner of the tract of land described in the instrument to TT of North Texas, Inc. recorded in Document Number 2014-3738, Deed Records of Denton County, Texas;

THENCE departing the easterly line of said James Wood Autopark Addition with the southwesterly line of said TT of North Texas, Inc. tract South $50^{\circ} 26' 08''$ East (Document Number 123418 = South $50^{\circ} 25' 27''$ East) at a distance of 463.20 feet passing a $\frac{1}{2}$ inch iron rod with a cap stamped "KAZ" found for the common southerly corner of said TT of North Texas, Inc. tract and said TT of Denton, Inc. tract, continuing along the southwesterly line of said TT of Denton, Inc. tract in all a total distance of 935.68 feet to a bent $\frac{5}{8}$ inch iron rod found for the most southerly corner of said TT of Denton, Inc. tract;

THENCE with the southeasterly line of said TT of Denton, Inc. tract North $39^{\circ} 37' 46''$ East a distance of 698.42 feet (Document Number 123418 = North $39^{\circ} 38' 27''$ East 696.42 feet) to the POINT OF BEGINNING;

CONTAINING a computed area of 34.368 acres (1,497,071 square feet) of land.





SEE BRG 1
CUT ON NORTHWESTERLY END OF CONCRETE MED. WALL
ELEVATION=588.02'

SEE BRG 2
CUT ON SOUTHWEST CORNER OF LOTOTA SIGN
ELEVATION=601.02'

[illegible][illegible]

14.346 ACRES

Situated in the Customer Value Survey, Abstracts March 1993
Office of Customer Satisfaction, Division of Marketing, Texas

City of Vancouver, Vancouver Community, 1990



DUNAWAY

150 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
FIRM REGISTRATION 10098100

611: APRIL 5, 2017

Page 1 of 2

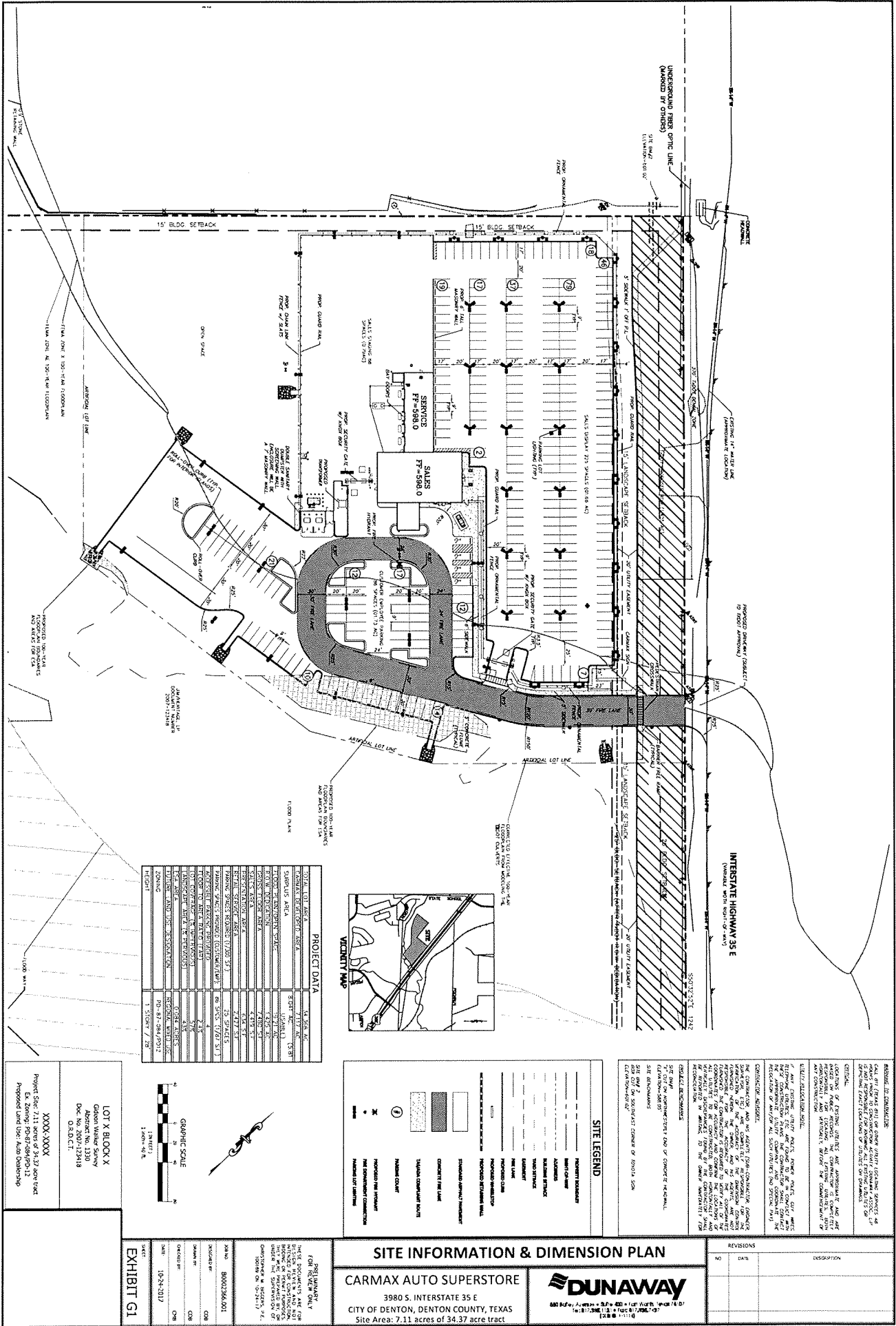
20. Chicago Title Insurance Company

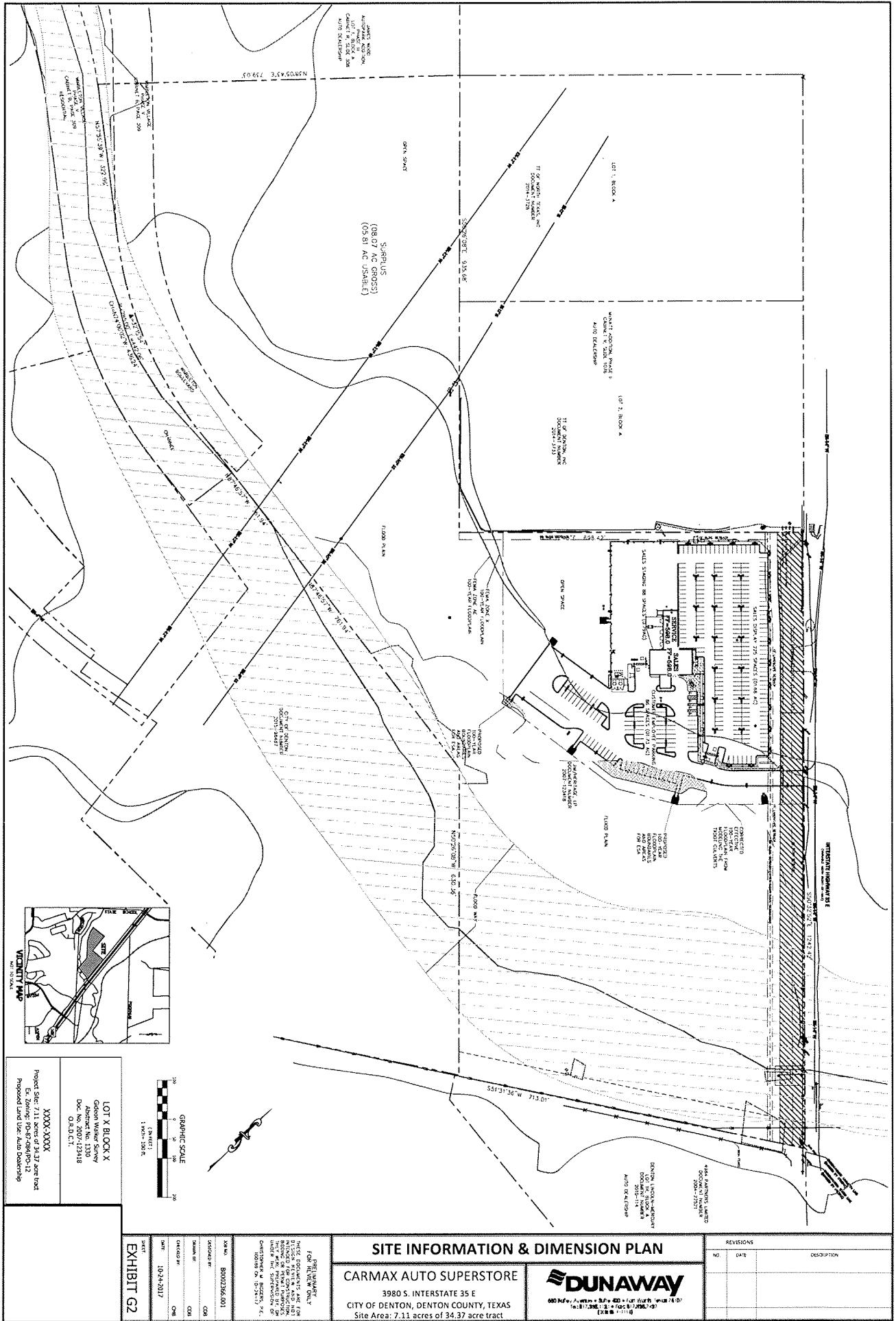
This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2016 Minimum Standard Data Requirements for ALA/NGPS Land Use Surveys, jointly established and adopted by ALA and NGPS, and includes Items 1-4, 2(a), 6, 13 and 14 of Table A. The field work was completed on April 5, 2017.

[illegible]

This certificate is awarded and the money will not be used if the document is altered in any manner, used or relied upon by any person other than those addressed or does not bear an original signature and seal of the Council.

EXHIBIT B





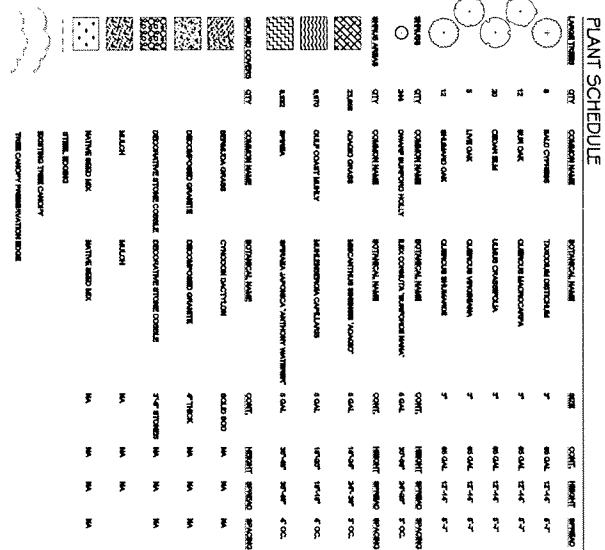
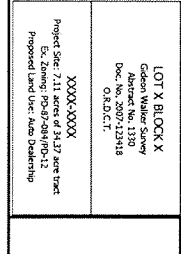


[illegible]

EXHIBIT M DATE: 10-26-2017 DRAWN BY: JAH CHECKED BY: CME SHEET: 1 OF 1		LANDSCAPE PLAN		REVISIONS	
		CARMAX AUTO SUPERSTORE 3980 S. INTERSTATE 35 E CITY OF DENTON, DENTON COUNTY, TEXAS Site/Area: 7.11 acres of 34.32 acre tract.	 <small> 1900 Dallas Avenue • Suite 400 • Fort Worth, Texas 76117 Tel: 817-293-1111 • Fax: 817-293-1111 Web: www.dunawayinc.com </small>	NO. DATE DESCRIPTION	

