

**TOWN OF BARTONVILLE
ORDINANCE NO. 432-07**

AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.300, ORDINANCE 361-05, ZONING REGULATIONS FOR THE TOWN OF BARTONVILLE, SO AS TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 5.353 ACRE TRACT OF LAND SITUATED IN THE A.M. FELTUS SURVEY, ABSTRACT NUMBER 1595, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED SECOND TRACT OF LAND DESCRIBED IN A DEED FROM EDGAR GARRISON AND WIFE, BETTHA GARRISON, HARDY GARRISON AND WIFE, EULA GARRISON, WALTER GARRISON AND WIFE, MATTIE GARRISON, GRADY GARRISON AND WIFE, NELL GARRISON, LENA BEATY, BASIL GARRISON AND WIFE, MAY GARRISON AND CECIL GARRISON, AND WIFE, JANIE GARRISON, CHARLIE GARRISON, AND WIFE MAUDE GARRISON, TO IRELEE T. NEELY AND WIFE, LORENE M. NEELY AS RECORDED IN VOLUME 347, PAGE 116 OF DEED RECORDS, DENTON COUNTY, TEXAS AND BEING A PART OF A CALLED 8.00 ACRE TRACT OF LAND DESCRIBED IN A QUIT CLAIM DEED FROM MARY LYNN NEELY TO THOMAS JAMES NEELY AS RECORDED IN VOLUME 793, PAGE 12, OF DEED RECORDS, IN SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO, FROM A ZONING DESIGNATION OF "AG"- AGRICULTURE TO A ZONING DESIGNATION OF "RE-5"- RESIDENTIAL ESTATES (5 ACRES) AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type "A" General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the Town of Bartonville is of the opinion that said zoning ordinance should be amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
CHAPTER 14, ARTICLE 14.300,
ZONING REGULATIONS AND ZONING MAP AMENDED

Town of Bartonville Code of Ordinances, Chapter 14, Article 14.300, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, and the Official Zoning Map of the Town of Bartonville is hereby amended so as to change the zoning designation of an approximately situated in the A.M. Feltus Survey, Abstract Number 1595, Denton County, Texas and being part of a called second tract of land described in a deed from Edgar Garrison and Wife, Bettha Garrison, Hardy Garrison and wife, Eula Garrison, Walter Garrison and wife, Mattie Garrison, Grady Garrison and wife, Nell Garrison, Lena Beaty, Basil Garrison and wife, May Garrison and Cecil Garrison, and wife, Janie Garrison, Charlie Garrison, and wife Maude Garrison, to Irelee T. Neely and wife, Lorene M. Neely as recorded in Volume 347, Page 116 of Deed Records, Denton County, Texas and being a part of a called 8.00 acre tract of land described in a Quit Claim Deed from Mary Lynn Neely to Thomas James Neely as recorded in Volume 793, Page 12, Of Deed Records, in said county and being more particularly described in Exhibit "A," attached hereto, as if fully incorporated herein for all purposes from a Zoning Designation of "AG"-Agriculture to a Zoning Designation of "RE-5"- Residential Estates (5 acres). The zoning designation for the tract of land described in Exhibit "A" is hereby changed from a zoning designation of "AG"-Agriculture to a Zoning Designation of "RE-5"- Residential Estates (5 acres).

SECTION 3
OFFICIAL ZONING MAP AMENDED

The Town Secretary is hereby directed to amend the official zoning map to reflect the changes in classification approved herein.

SECTION 4.
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 5.

SEVERABILITY

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

SECTION 6. SAVINGS

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning regulations, zoning maps, zoning designations or changes in zoning designations, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8. PUBLICATION

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 9. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by a vote of ____ to ____ this the ____ day of _____, 2007.

APPROVED:

(Seal)

Ron Robertson, Mayor

ATTEST:

Kristi Gilbert, Deputy Town Secretary

EXHIBIT "A"
FIELD NOTES
5.353 ACRE TRACT OF LAND

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE A.M. FELTUS SURVEY, ABSTRACT NUMBER 1595, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED SECOND TRACT OF LAND DESCRIBED IN A DEED FROM EDGAR GARRISON AND WIFE, BETTHA GARRISON, HARDY GARRISON AND WIFE, EULA GARRISON, WALTER GARRISON AND WIFE, MATTIE GARRISON, GRADY GARRISON AND WIFE, NELL GARRISON; LENA BEATY, BASIL GARRISON AND WIFE, MAY GARRISON AND CECIL GARRISON AND WIFE, JANIE GARRISON, CHARLIE GARRISON AND WIFE, MAUDE GARRISON, TO IRELEE T. NEELY AND WIFE, LORENE M. NEELY AS RECORDED IN VOLUME 347, PAGE 116, OF DEED RECORDS, DENTON COUNTY, TEXAS AND BEING A PART OF A CALLED 8.00 ACRE TRACT OF LAND DESCRIBED IN A QUIT CLAIM DEED FROM MARY LYNN NEELY TO THOMAS JAMES NEELY AS RECORDED IN VOLUME 793, PAGE 12, OF DEED RECORDS, IN SAID COUNTY AND SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT IN THE CENTER OF A ASPHALT ROAD POSTED AS JETER ROAD AND BEING THE MOST NORTHERLY NORTHWEST CORNER OF A CALLED 65.842 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM TEXAS UTILITIES ELECTRIC AS RECORDED IN VOLUME 1260, PAGE 544, OF THE REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND THE NORTHEAST CORNER OF THE TRACT BEING DESCRIBED HEREIN;

THENCE SOUTH 00 DEGREES 17 MINUTES 40 SECONDS EAST WITH A WEST LINE OF SAID 65.842 ACRE TRACT AND THE EAST LINE OF SAID NEELY TRACT ALONG ARE NEAR A FENCE LINE PASSING AT 29.00 FEET A WOOD FENCE CORNER POST AND CONTINUING ALONG SAID COURSE A TOTAL DISTANCE OF 610.56 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89 DEGREES 30 MINUTES 34 SECONDS WEST WITH A NORTH LINE OF SAID 65.842 ACRE TRACT AND A SOUTH LINE OF SAID NEELY TRACT ALONG AND NEAR A FENCE LINE PASSING AT 198.10 A CAPPED IRON ROD SET FOR THE MOST EASTERLY NORTHEAST CORNER OF A 24.838 ACRE TRACT SURVEYED BY KAZ SURVEYING ON 08-12-2005 AND CONTINUING ALONG SAID COURSE A TOTAL DISTANCE OF 379.33 FEET TO A CAPPED 1/2" IRON ROD SET FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 22 MINUTES 55 SECONDS WEST PASSING THE SOUTH LINE OF SAID 8.00 ACRE TRACT AND CONTINUING ALONG SAID COURSE A TOTAL DISTANCE OF 617.29 FEET TO A POINT IN THE CENTER OF SAID ROAD AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST THE CENTER OF SAID ROAD PASSING AT 181.25 FEET THE NORTHEAST CORNER OF SAID 8.00 ACRE TRACT AND CONTINUING ALONG SAID COURSE A TOTAL DISTANCE OF 380.30 FEET TO PLACE OF BEGINNING AND ENCLOSING 5.353 ACRES OF LAND MORE OR LESS.