

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 17-2018

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, AS AMENDED, BY GRANTING A SPECIAL USE PERMIT FOR A MONOPOLE COMMUNICATIONS TOWER TO BE LOCATED ON PROPERTY ZONED R-2, RESIDENTIAL SINGLE FAMILY, BEING APPROXIMATELY 66± ACRES OF REAL PROPERTY LOCATED AT 1320 STARK ROAD, FORMERLY ADDRESSED AS 234 E. STARK ROAD, IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B", ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF THE TOWER LEASE AND SITE PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBITS "C" AND "D", RESPECTIVELY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Seagoville ("City") received application for the placement of a monopole communication tower ("cell tower") on a portion of an approximate 66± acre tract of land located at 1320 Stark Road, with a former address of 234 E. Stark Road; and

WHEREAS, upon the reassignment of the address, the Dallas Central Appraisal District, which is the entity wherein the City verifies information relative to the ownership and property description, changed the address for the homestead portion of the property and failed to make the change to the entire piece thereby mistakenly leaving said address as the former 234 E. Stark Road address; and

WHEREAS, the appropriate property address for the homestead, acreage and cell tower lease site is 1320 Stark Road; and

WHEREAS, the cell tower itself, not the property, will have an address of 1600 Stark Road; and

WHEREAS, the Planning and Zoning Commission of the City of Seagoville and the City Council of the City of Seagoville, in compliance with the laws of the State of Texas with reference

to the granting of zoning classifications and changes have given requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Seagoville is of the opinion and finds that a zoning change should be granted, and that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1: That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, be and the same is hereby amended by granting a Special Use Permit for a monopole communications tower to be located on property zoned R-2, Residential Single Family, being approximately 66± acres of real property located at 1320 Stark Road, formerly addressed as 234 E. Stark Road, in the City Of Seagoville, Dallas County, Texas, and being legally described in Exhibit "A" and depicted in Exhibit "B", attached hereto and incorporated herein.

SECTION 2: That the Tower Lease and Site Plan, which are attached hereto and incorporated herein as Exhibits "C" and "D", respectively, are hereby approved.

SECTION 3. That the property described shall be used only for the purposes set out in accordance with the City of Seagoville's Zoning Ordinance and all other ordinances, codes, and policies of the City of Seagoville, as amended.

SECTION 4: That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance as amended be hereby repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5: That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Zoning Ordinance as a whole, or any part or provision thereof, other than the part declared to be invalid, illegal, or unconstitutional.

SECTION 6: That any person, firm, or corporation violating, disobeying, neglecting, refusing to comply with, or resisting the enforcement of any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the same penalty of two thousand dollars (\$2,000.00) for each offense as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended. Each and every day such a violation continues or is allowed to exist shall constitute a separate offense.

SECTION 7: That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas this 10th day of September, 2018.

APPROVED:



Dennis, K. Childress, Mayor

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Alexis G. Allen, City Attorney

(cdb 09/05/2018)

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF DALLAS

Whereas Dennis and Janis Wolford is the owner of a 68.85 acre tract of land situated in the HERMAN HEIDER SURVEY, ABSTRACT NO. 541, in the City of Seagoville, Dallas County, Texas, as recorded in County Clerk File No. 201100151442 of the Real Property Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at found P.K. nail at the North corner of the said Wolford tract and being at the Northwest corner of a tract of land conveyed to Thomas Ray Jones as recorded in Volume 72249, Page 977 of the Deed Records of Dallas County, Texas, said corner being in the center line of Stark Road;

THENCE South 44 degrees 23 minutes 14 seconds East, with the Northeasterly line of said Wolford tract passing a 3/4" iron rod found at a distance of 22.50 feet continuing in all a total distance of 1016.69 feet to East corner of a ell corner of said Wolford tract and being at the West corner of said Jones tract, a 1/2" iron rod with yellow cap stamped #1891 found for corner;

THENCE South 44 degrees 58 minutes 16 seconds West, with the Southeasterly line of said Wolford tract and the Northwest line of said Jones tract a distance of 407.01 feet to an ell corner of said Wolford tract, a 3/4" iron rod found for corner;

THENCE South 44 degrees 10 minutes 35 seconds East, with the Northeasterly line of said Wolford tract and the Southwesterly line of said Jones tract a distance of 1527.70 feet to the East corner of said Wolford tract and being at the South corner of Jones tract, said corner being in the Northwesterly line of a tract of land conveyed to Dennis and Janis Wolford as recorded in County Clerk File No. 201100149454 of the Real Property Records of Dallas County, Texas, a 1/2" iron rod found for corner;

THENCE South 48 degrees 00 minutes 25 seconds West, with the Southeasterly line of said Wolford 68.85 acre tract and the Northwesterly line of said Wolford tract recorded in County Clerk File No. 201100149454, a distance of 917.00 feet to a ell corner of a tract of land conveyed to Texas Power and Light Company as recorded in Volume 5632, Page 601 of the Deed Records of Dallas County, Texas, a 1/2" iron rod set for corner;

THENCE North 58 degrees 51 minutes 35 seconds West, with the South line of said Wolford 68.85 acre tract and the Northeasterly line of said Texas Power and Light Company tract a distance of 124.99 feet to a 1/2" iron rod set for a ell corner;

THENCE South 44 degrees 22 minutes 25 seconds West, with the South line of said Wolford 68.85 acre tract and the Northwest line of said Texas Power and Light Company tract, a distance of 82.65 feet to the South corner of the said Wolford 68.85 acre tract and being at the East corner of a tract of land conveyed to Moore Judith and Kirby Campbell Smith as recorded in Volume 85109, Page 3205 of the Deed Records of Dallas County, Texas, a 1/2" iron rod found for corner;

THENCE North 44 degrees 26 minutes 35 seconds West, with the Southwesterly line of the said Wolford 68.85 acre tract and the Northeasterly line of said Smith tract a distance of 1422.20 feet to a 1/2" iron rod found for corner;

THENCE North 44 degrees 50 minutes 55 seconds West, with the Southwesterly line of the said Wolford 68.85 acre tract and the Northeasterly line of said Smith tract a distance of 900.00 feet to the Northwest corner of the said Wolford 68.85 acre tract and being in the center line of Stark Road, a magnail found for corner;

THENCE North 39 degrees 16 minutes 33 seconds East, with the Northwesterly line of the said Wolford 68.85 acre tract and along the centerline of Stark Road a distance of 587.10 feet to a found magnail for corner;

THENCE North 45 degrees 19 minutes 14 seconds East, with the Northwesterly line of the said Wolford 68.85 acre tract and along the centerline of Stark Road a distance of 867.80 feet to the POINT OF BEGINNING containing 2,999,261 square feet or 68.85356 acres of land more or less.

EXHIBIT "C"

TOWER LEASE (created by this office)

BEING a 0.230 acre (10,000.00 square feet) tract of land situated in the Harman Hider Survey, Abstract No. 541, out of a called Lot 1, Block 1, Wolford Addition, an Addition to the City of Seagoville, Dallas County, Texas, according to the plat recorded in Document No. 12187-2012, Plat Records, Dallas County, Texas, described in deed to Dennis Wolford & Janis Wolford, recorded in Instrument No. 201100151442, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a found 1/2" iron rod at the intersection of the northeast line of said 68.6 acre tract and the southeast right-of-way line of Stark Road (various width public right-of-way);

THENCE South 17° 28' 44" East for a distance of 112.08 feet to a set 1/2" iron rod capped "WIMBERLEY 6005" for the POINT OF BEGINNING;

THENCE South 44° 19' 41" East for a distance of 100.00 feet to a set 1/2" iron rod capped "WIMBERLEY 6005" for corner;

THENCE South 45° 40' 19" West for a distance of 100.00 feet to a set 1/2" iron rod capped "WIMBERLEY 6005" for corner;

THENCE North 44° 19' 41" West for a distance of 100.00 feet to a set 1/2" iron rod capped "WIMBERLEY 6005" for corner;

THENCE North 45° 40' 19" East a distance of 100.00 feet to the POINT OF BEGINNING, and containing 0.230 acre (10,000.00 square feet) of land, more or less.

I, Ronald D. Wimberley, Registered Professional Land Surveyor, State of Texas, do certify that the field notes hereon are a true, correct and accurate representation of the property as determined by an on the ground survey conducted on May 17, 2017, under my supervision.

Ronald D. Wimberley, R.P.L.S. No. 6005

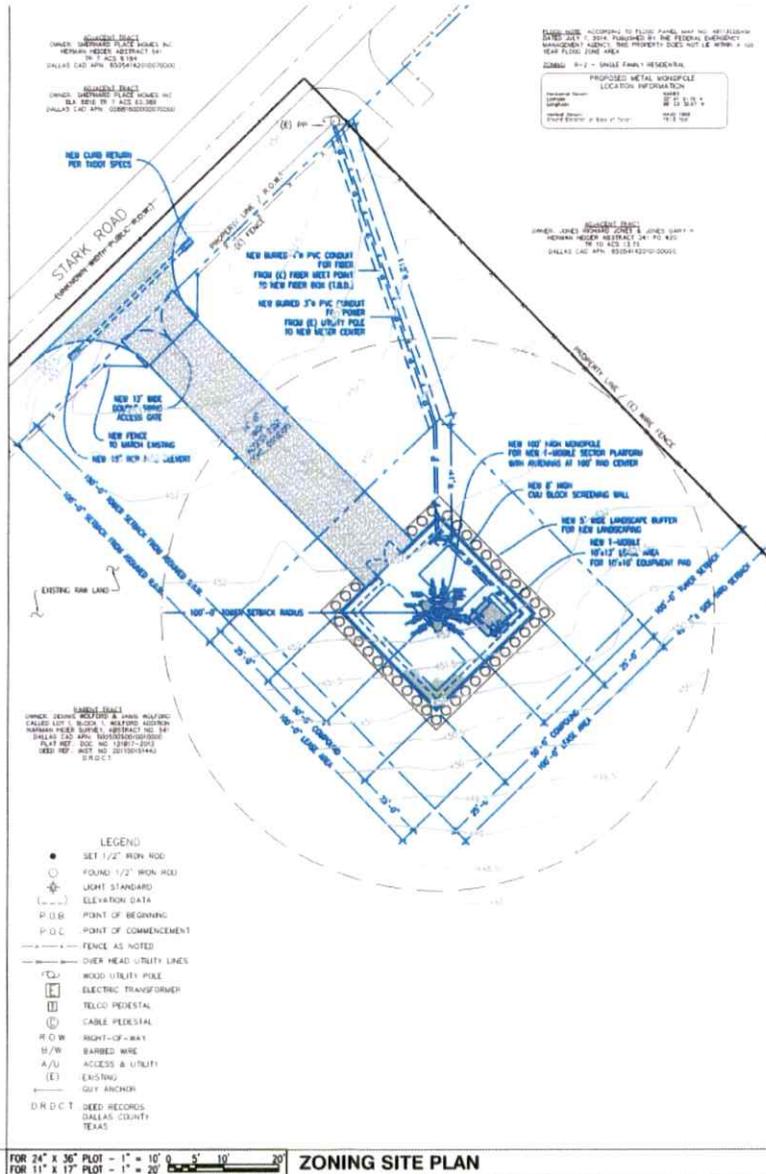
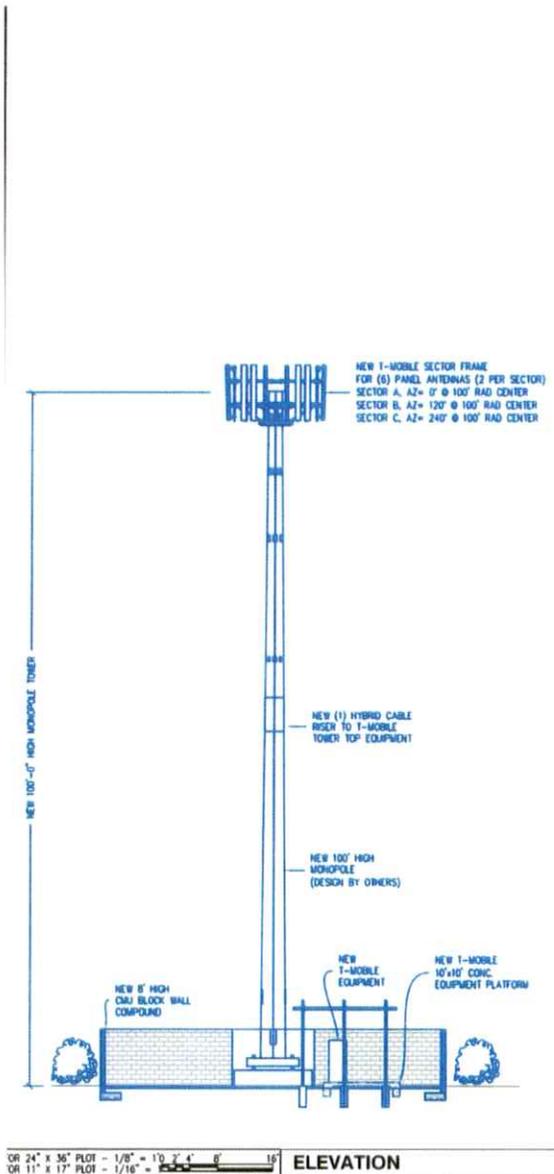
DATE: May 17, 2017
JOB NO. 17137

WIMBERLEY SURVEYING PROFESSIONALS
P.O. BOX 9237
GREENVILLE, TEXAS 75404
903-450-8100

Site Name: US-TX-5320
No.: DA03182

RECEIVED
JUL 19 2018
BY: *A. P. S.*

EXHIBIT "D"



PROJECT SUMMARY:

SITE TYPE
NEW 100' MONOPOLE TOWER WITH NEW UNMANNED COMMUNICATION EQUIPMENT AT BASE OF TOWER

SITE INFORMATION
LAT: 32.88300° N
LONG: -96.55907° W
ELEV: 451E
JURISDICTION: CITY OF SEAGOVILLE
OCCUPANCY: UNMANNED
ZONING: R-2 SINGLE FAMILY RESIDENTIAL
CONSTRUCTION TYPE: NEW

APPLICANT
VERTICAL BRIDGE
CONTACT: PRAGNATIE WYDER
PHONE: 214-688-7878

LANDLORD
DENNIS & JANIS WOLFORD
P.O. BOX 18021
DALLAS, TX 75217

CONTRACTORS:

A&E CONTRACTOR
ALLPRO CONSULTING GROUP, P.C.
8221 LINDEN B. JOHNSON FREEWAY,
SUITE 204
DALLAS, TX 75243
CONTACT: JIM M. GEORGE, P.E.
OFFICE: 972-231-8883
FAX: 866-364-8375

SURVEY
WIMBERLEY SURVEYING PROFESSIONALS
HOW D WIMBERLEY, R.P.L.S.
PO BOX 9237
GREENVILLE, TX 75104
PHONE: 903-455-8100

TELCO
AT&T
POWER
ONCOR

TEXAS ONE CALL
CONTRACTOR TO CALL 48 HOURS BEFORE DIGGING
PHONE: 800-345-8005
INDEPENDENT LOCATIONS TO BE USED ON ALL SITES

PARENT TRACT
OWNER: DENNIS WOLFORD & JANIS WOLFORD
CALLED LOT 1, BLOCK 1, WOLFORD ADDITION
HARMAN HIDER SURVEY, ABSTRACT NO 541
DALLAS CAD APN: 50050050010010000
PLAT REF: DOC NO 121817-2012
DEED REF: INST NO 201100151442
D.R.C.T.

2,999,556.49 SQUARE FT (68.86 ACRES)

ACC NO: 18-1394

DRAWN BY: CG

CHECKED BY: -

A17/17/18 CONCEPT ZONING PLAN
B8/17/18 CONCEPT ZONING PLAN

ALLPRO
CONSULTING GROUP, P.C.
5411 LINDEN B. JOHNSON FREEWAY
SUITE 204
DALLAS, TX 75243
Phone: 972-231-8883
Fax: 866-364-8375
www.allproinc.com
Registration No. 026

VERTICAL BRIDGE
US-TX-5320

T-MOBILE
DA03182A
WOLFORD

1600 STARK ROAD
SEAGOVILLE, TX 75199
DALLAS COUNTY

32.683006, -96.559075

SHEET TITLE
ZONING SITE PLAN

SHEET NUMBER
Z-1