

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 36-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM RESIDENTIAL-5 (R-5) TO PLANNED DEVELOPMENT-19-04 (PD-19-04) ON APPROXIMATELY 46± ACRES, BEING COMPRISED OF TRACT 4 AND TRACT 16, JOHN D MERCHANT ABSTRACT 850, COMMONLY COLLECTIVELY KNOWN AS 835 THEDFORD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B", ATTACHED HERETO; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR APPROVAL OF A CONCEPT PLAN, WHICH IS ATTACHED HERETO AS EXHIBIT "C"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas, and pursuant to the Comprehensive Zoning Ordinance of the City of Seagoville, have given requisite notices by publication and otherwise, and after holding due hearings and affording 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, the said governing body is of the opinion that Zoning Application No. Z2019-27 (PD 19-04) should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended to reflect the zoning change.

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

SECTION 1. That Zoning Application No. Z2019-27 (PD 19-04) is hereby approved and the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, duly passed by the governing body of the City of Seagoville, Texas, as heretofore amended, be and the same are hereby amended by granting a change in zoning from Residential-5 (R-5) to Planned Development-19-04 (PD-19-04) on approximately 46± acres, being comprised of Tract 4 and Tract 16, John D Merchant Abstract 850, commonly collectively known as 835 Thedford, 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 property shall be developed and used in accordance with the City of Seagoville Zoning Ordinance and Construction Standards, except as amended by the following development regulations:

- A. The property shall be used only for the construction of single family residential dwellings.
- B. The minimum lot dimensions shall be 50 feet x 120 feet and minimum lot size shall be 6000 square feet.
- C. The minimum side yard setback shall be 5 feet.
- D. The minimum front yard setback shall be 20 feet.
- E. The minimum rear yard setback shall be 10 feet.
- F. The minimum dwelling size shall be:
 - (1) 1600 square feet on 15% of the lots;
 - (2) 1700 square feet on 70% of the lots; and,
 - (3) 1800 square feet. on 15% of the lots.
- G. The property shall be developed in accordance with the approved concept plan.

SECTION 3. The property shall be developed and used only in accordance with the Concept Plan, attached as Exhibit "C" and incorporated herein for all purposes, and which is hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended and as amended herein

SECTION 5. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

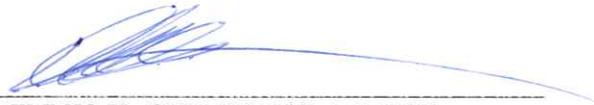
SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. 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.

PASSED AND ADOPTED by the City Council for the City of Seagoville at a meeting on the 18th day of November, 2019, at which a quorum was present, and for which due notice was given.

APPROVED:


DENNIS K. CHILDRESS, MAYOR

ATTEST:


KANDI JACKSON, CITY SECRETARY



APPROVED AS TO FORM:


VICTORIA W. THOMAS, CITY ATTORNEY
(/cdb 11.13.2019) TM 112200 111419

EXHIBIT "A"

PROPERTY DESCRIPTION

BEING ALL OF THOSE CERTAIN called 45.975 acres lots, tracts or parcels of land lying and being situated in the City of Seagoville and the County of Dallas, Texas, in the J. D. Merchant Survey, Abstract No. 850, of Dallas County, Texas, and being out of those certain tracts of land described first and secondly in a Special Warranty Deed With Vendor's Lien from Gateway National Bank, a National Banking Association, to Feridon Shirazi, Merdad N. Ghafar and Mehran Dadgostar Recorded in Volume 93224 at Page 1943, of the Deed Records, Dallas County, Texas (D.R.D.C.T.), also being the same property described as a 45.9750 acres lot, tract or parcel of land in a Warranty Deed With Vendor's Lien from Mehrdad Ghafar and Kamil Navai to Seagoville Partnership, L.P., a Texas limited partnership recorded in Volume 2004127 at Page 15186, D.R.D.C.T., also being the same property described as two lots, tracts, or parcels of land in a Warranty Deed from to Feridon Shirazi, Merdad N. Ghafar and Mehran Dadgostar to Mehrdad Ghafar and Kamil Navai recorded in Volume 2001140 at Page 6709, D.R.D.C.T., more particularly described as follows:

BEGINNING at a 1/2" Iron Rebar found for the northwesterly corner of Lot 1, Block 6 of Northside Addition, 3rd Installment, an addition to the City of Seagoville, Dallas County, Texas, as recorded in Volume 90131 at Page 1550, of the Map Records of Dallas County, Texas (M.R.D.C.T.), same being in a southeasterly line of Lot 3 of Block 6 of Casa Grande Subdivision No. 1, Revised, an addition to the City of Seagoville, Dallas County, Texas, as recorded in Volume 72069 at, Page 1, M.R.D.C.T.;

THENCE North 47°10' 27" West, (*Deed=North 46°27' 08" West*), departing said northwest corner continuing with the southeasterly line of Lot 3, Block 6 of said subdivision, a distance of 8.40 feet (*Deed=8.28 feet*) to a 1/2" Iron Rebar found for corner;

THENCE North 17°29' 49" West, (*Deed=North 15°48' 53" West*) with the southeast line of Lots 3 and 4, Block 6, of said addition, a distance of 132.94 feet (*Deed=133.08 feet*) to a 1/2" Iron Rebar stamped RPLS 3963 found for the northeasterly corner of Lot 4, Block 6 of said subdivision same being in the south line of Casa Grande Drive, a 50.00 feet wide public right-of-way, same being in a curve concave to the left from which point the radius bears, North 43°39' 29" West, 302.66 feet having a chord bearing and distance of North 45°12' 05" West, 12.05 feet (*Deed =North 46° 07' 52" East, 11.95 feet*);

THENCE continuing northeasterly with said curve concave to the left through a central angle of 02°16' 52" (*Deed = 02° 15' 45"*) an arc distance of 12.05 feet (*Deed = 11.95 feet*) to a 1/2" Iron Rebar found for corner and the end of said curve same being the southeasterly terminus of said Casa Grande Drive;

THENCE South 46°47' 25" East, (*Deed=South 45°00' 00" East*) continuing with the east terminus of said Casa Grande Drive, a distance of 50.00 feet (*Deed=50.00 feet*) to a 1/2" Iron Rebar found for corner in the north line of Casa Grande Drive, same being in a curve concave to the right from which point the radius bears, North 48°43' 52" West, 252.66 feet, having a chord bearing and distance of South 44°45' 25" West, 30.76 feet (*Deed =South 48° 50' 29" West, 29.72 feet*);

THENCE continuing southwesterly with said curve concave to the right through a central angle of 06°58' 35" (*Deed = 06° 44' 38"*) an arc distance of 30.76 feet (*Deed = 29.72 feet*) to a 1/2" Iron Rebar found for corner and the end of said curve, same being in the north line of Casa Grande Drive and the southeasterly corner of Lot 1, Block 7 of said subdivision;

THENCE North 45°50' 09" West, (*Deed=North 44° 33' 00" West*) continuing with the east line of Lot 1, Block 7 of said subdivision, a distance of 116.28 feet (*Deed=115.00 feet*) to a 1/2" Iron Rebar found for the northeasterly corner of said Lot 1, Block 7 of said subdivision;

THENCE South $51^{\circ} 38' 31''$ West, (*Deed=South $52^{\circ} 58' 00''$ West*) a distance of 51.66 feet (*Deed = 50.50 feet*) to a 1/2" Iron Rebar found for northeasterly terminus of Shady Lane, a 50.00 feet wide public right-of-way;

THENCE South $42^{\circ} 41' 48''$ West, (*Deed=South $45^{\circ} 00' 00''$ West*), a distance of 48.77 feet (*Deed = 50.00 feet*) to a 1/2" Iron Rebar found for the northwesterly terminus of said Shady Lane, same being in a curve concave to the right from which point the radius bears, South $46^{\circ} 31' 33''$ West, 250.10 feet, having a chord bearing and distance of South $40^{\circ} 41' 53''$ East, 24.23 feet (*Deed =South $42^{\circ} 17' 43''$ East, 23.60 feet*);

THENCE continuing southeasterly with said curve concave to the right through a central angle of $05^{\circ} 33' 08''$ (*Deed = $05^{\circ} 24' 31''$*) an arc distance of 24.24 feet (*Deed = 23.61 feet*) to a 1/2" Iron Rebar found for corner and the end of said curve, same being in the north line of Shady Lane and being also the southeasterly corner of Lot 1, Block 8 of said subdivision;

THENCE South $60^{\circ} 46' 08''$ West, (*Deed=South $62^{\circ} 33' 36''$ West*), departing the west line of Shady Lane and continuing with the north line of Lot 7, Block 8 of said subdivision, a distance of 112.86 feet (*Deed = 112.90 feet*) to a 1/2" Iron Rebar found for the common corner of Lot 7 and Lot 6, Block 8;

THENCE North $45^{\circ} 23' 54''$ West, (*Deed=North $45^{\circ} 23' 54''$ West*) continuing with the northwesterly line of Lots 6, 5, and 4, all of Block 8, a distance of 231.48 feet (*Deed = 231.48 feet*) to a 1/2" Iron Rebar found for the northeasterly corner of Lot 4, Block 8 of said subdivision;

THENCE South $44^{\circ} 29' 51''$ West, (*Deed=North $46^{\circ} 09' 00''$ West*) with the southwesterly line of Lots 4 and 3, Block 8, a distance of 166.27 feet (*Deed = 160.00 feet*) to a 1/2" Iron Rebar found for corner and the beginning of a curve concave to the left from which point the radius bears, South $39^{\circ} 19' 54''$ East, 144.64 feet, having a chord bearing and distance of South $29^{\circ} 42' 45''$ West, 103.46 feet (*Deed =South $26^{\circ} 59' 00''$ West, 94.98 feet*);

THENCE continuing southeasterly with said curve concave to the left through a central angle of $41^{\circ} 54' 43''$ (*Deed = $38^{\circ} 19' 59''$*) an arc distance of 105.80 feet (*Deed = 96.77 feet*) to a 1/2" Iron Rebar found for corner and the beginning of a compound curve concave to the left from which point the radius bears, North $88^{\circ} 53' 08''$ East, 259.28 feet, having a chord bearing and distance of South $10^{\circ} 57' 58''$ East, 88.72 feet (*Deed =South $02^{\circ} 19' 11''$ East, 91.26 feet*);

THENCE continuing southeasterly with said curve concave to the left through a central angle of $19^{\circ} 42' 11''$ (*Deed = $20^{\circ} 16' 23''$*) an arc distance of 89.16 feet (*Deed = 91.26 feet*) to a 1/2" Iron Rebar found for a corner of Lot 1, Block 8 of said subdivision, same being the southeasterly corner of Casa Grande Park as dedicated by said Casa Grande Subdivision, No. 1, Revised;

THENCE North $81^{\circ} 31' 27''$ West, (*Deed=North $79^{\circ} 54' 00''$ West*) continuing with the northwesterly line of Casa Grande Park, a distance of 214.49 feet (*Deed = 214.60 feet*) to a 1/2" Iron Rebar with a plastic cap stamped RPLS 3963;

THENCE North $46^{\circ} 35' 14''$ West, (*Deed=North $44^{\circ} 56' 40''$ West*), continuing with the northwesterly line of Casa Grande Park, a distance of 140.40 feet (*Deed=140.19 feet*) to a 5/8" Iron Rebar found for corner;

THENCE South $43^{\circ} 10' 40''$ West, (*Deed=South $44^{\circ} 50' 39''$ West*) continuing with the southwesterly line of Casa Grande Park, a distance of 84.98 feet (*Deed=84.94 feet*) to a 5/8" Iron Rebar found for corner;

THENCE North $46^{\circ} 49' 28''$ West, (*Deed=North $45^{\circ} 14' 31''$ West*) continuing with the northwesterly line

of Casa Grande Park, a distance of 60.01 feet (*Deed= 60.04 feet*) to a 5/8" Iron Rebar found for the most northwesterly corner of Casa Grande Park, same being the northeasterly corner of Lot 9, Block H, Phase 3 of the Replat Lakeside Estates, Phase 1, 2 & 3, an addition to the City of Seagoville, Dallas County, Texas, recorded in Volume 2003231 at Page 216, D.R.D.C.T.;

THENCE North 46° 52' 02" West, (*Plat=North 45° 06' 03" West*) continuing with the northwesterly line of Lots 9 and 8, Block H, a distance of 265.26 feet (*Plat= 265.32 feet*) to a 3/8" Iron Rebar found for the northeasterly corner of Lot 8, Block H, of said Phase 3, same being an inner ell corner of said Replat Lakeside Estates, Phase 1, 2 and 3;

THENCE North 43° 49' 29" East, (*Plat=North 45° 36' 32" East*) continuing with the southwesterly line of Lots 7, 6, 5, 4, 3, 2 and 1, Block C, of said Phase 2, a distance of 501.98 feet (*Plat= 502.03 feet*) to a 1/2" Iron Rebar with a plastic cap stamped 3963 found for the southeasterly corner of Lot 1, Block C of said Phase 2;

THENCE North 46° 39' 30" West, (*Plat=North 44° 54' 00" West*) continuing with the northwesterly line of Lots 1 and 14 of Block B, a distance of 172.58 feet to a 1/2" Iron Rebar found for corner, same being the southwesterly corner of that certain called 17.0426 acres lot, tract or parcel of land described in a Warranty Deed With Vendor's Lien from Mark L. Schueler, Sr. and wife, Delores A. Schueler to David R. Quizada and wife Yolanda G. Quizada recorded in Volume 2000064 at Page 6967, D.R.D.C.T.;

THENCE North 43° 20' 39" East, (*Deed=North 45° 00' 00" East*), continuing with the southwesterly line of said Quizada's tract of land a distance of 636.93 feet (*Deed=637.12 feet*) to a 3/8" Iron Rebar found for corner, same being in the southeasterly line of that certain called 10.0961 acres lot, tract or parcel of land described in a Warranty Deed With Vendor's Lien from Carl K. Polnac and wife Judith L. Polnac to Ryan Woodward and wife Lindsey Haygood recorded under Dallas County Clerk's Instrument No. 201600316225, of the Official Public records of Dallas County, Texas (O.P.R.D.C.T.)

THENCE South 46° 41' 54" East, (*Deed=South 45° 01' 19" East*) continuing with Woodward's and Haygood's tract of land, a distance of 327.85 feet (*Deed=327.63 feet*) to a 1/2" Iron Rebar found for the southwesterly corner of Woodward's and Haygood's tract of land;

THENCE North 43° 58' 27" East, (*Deed=North 45° 37' 53" East*) continuing with the southwesterly line of Woodward's and Haygood's tract of land, a distance of 259.52 feet (*Deed=259.47 feet*) to a 1/2" Iron Rebar found for the northeasterly corner of Woodward's and Haygood's tract of land, same being the southwesterly corner that certain called 14.11 acres lot, tract or parcel of land described in a Warranty Deed With Vendor's Lien from Judith Ford, to Calwald J. Henry and wife Judy L. Henry recorded in Volume 2002062 at Page 9164, D.R.D.C.T.;

THENCE North 43° 58' 57" East, (*Deed=North 45° 37' 53" East*) a distance of 336.80 feet (*Deed=340.46 feet*) to a 1/2" Iron Rebar with a plastic cap stamped 5299 found for corner in the northeasterly line of Henry's tract of land, same being in the southwesterly line of that certain called 12.482 acres lot, tract or parcel of land described in a General Warranty Deed from Noel Maldonado and Belinda Maldonado to Johnny Guzman recorded in Volume 2003174 at Page 107, D.R.D.C.T.;

THENCE South 46° 43' 38" East, (*Deed=South 44° 43' 19" East*) continuing with the northwesterly line of Guzman's tract of land, a distance of 558.63 feet (*Deed=558.52 feet*) to a T-bar found for corner same being the southwesterly corner of Guzman's tract of land and being also the most westerly corner of said first tract;

THENCE North 43°24' 08" East, (*Deed=North 44 ° 59' 46" East*) continuing with the southwesterly line of Guzman's tract of land and the northeasterly line of said first tract a distance of 430.16 feet (*Deed=430.10 feet*) to a 1/2" Iron Rebar found for the southeasterly corner of Guzman's tract of land, same being the southwesterly corner of that certain called 12.482 acres lot, tract or parcel of land described in a Warranty Deed With Vendor's Lien from R. R. Stanley to Manuela O. Guzman recorded in Volume 2003174 at Page 107, D.R.D.C.T.;

THENCE North 43°23' 19" East, (*Deed=North 44 ° 59' 46" East*) continuing with the southwesterly line of Guzman's tract of land and the northeasterly line of said first tract a distance of 430.16 feet (*Deed=430.10 feet*) to a 1/2" Iron Rebar found for the southeasterly corner of Guzman's tract of land, same being the southwesterly corner of that certain called 14.16 acres lot, tract or parcel of land described in a Deed from E. Dwaine Greenawalt to M. C. Cole Company recorded in Volume 70184 at Page 52, D.R.D.C.T.;

THENCE South 46°39' 53" East, (*Deed=South 45 ° 00' 00" East*) with the northwesterly line of M. C. Cole Company's tract of land , a distance of 506.65 feet (*Deed=507.10 feet*) to a 1/2" Iron Rebar found for corner, being also in Lot 22, Block 9 of Brook Valley 7, Phase 3, an addition to the City of Seagoville, Dallas County, Texas, recorded in Volume 90131 at Page 1550 of the D.R.D.C.T., same being also the most easterly corner of the herein described tract of land;

THENCE South 43° 24' 24" West, (*Deed=South 45 ° 00' 00" West*) continuing with the northeasterly line of Block 9 of said addition, a distance of 860.34 feet (*Deed=860.26 feet*) to a 1/2" Iron Rebar found for corner at the most Southern corner of said first tract, same being in the northeasterly line of Lot 9, Block 9 of said addition;

THENCE South 43°24' 24" West, (*Deed=South 45 ° 13' 22" West*) continuing with the northeasterly line of Lots 9 and 8, Block 9 of said addition, a distance of 190.26 feet (*Deed=190.22 feet*) to a Cut Cross "X" found for corner;

THENCE North 46° 54' 26" West, (*Deed=North 45 ° 15' 00" West*) passing at distance of 26.97 feet the most easterly corner of Lot 14, Block 6 of said Northside Addition, 3rd Installment continuing with the southeasterly line of Lot 14, Block 6, in all a total distance of 146.90 feet (*Deed=146.97 feet*) to a 1/2" Iron Rebar found for the northeasterly corner of said Lot 14, Block 6;

THENCE South 43° 07' 09" West (*Deed=South 44 ° 44' 47" West*) with the northeasterly line of Block 6 of said addition a distance of 860.71 feet (*Deed=860.64 feet*) to the **PLACE OF BEGINNING** containing 1,999,497.21 square feet or 45.902 acres of land.

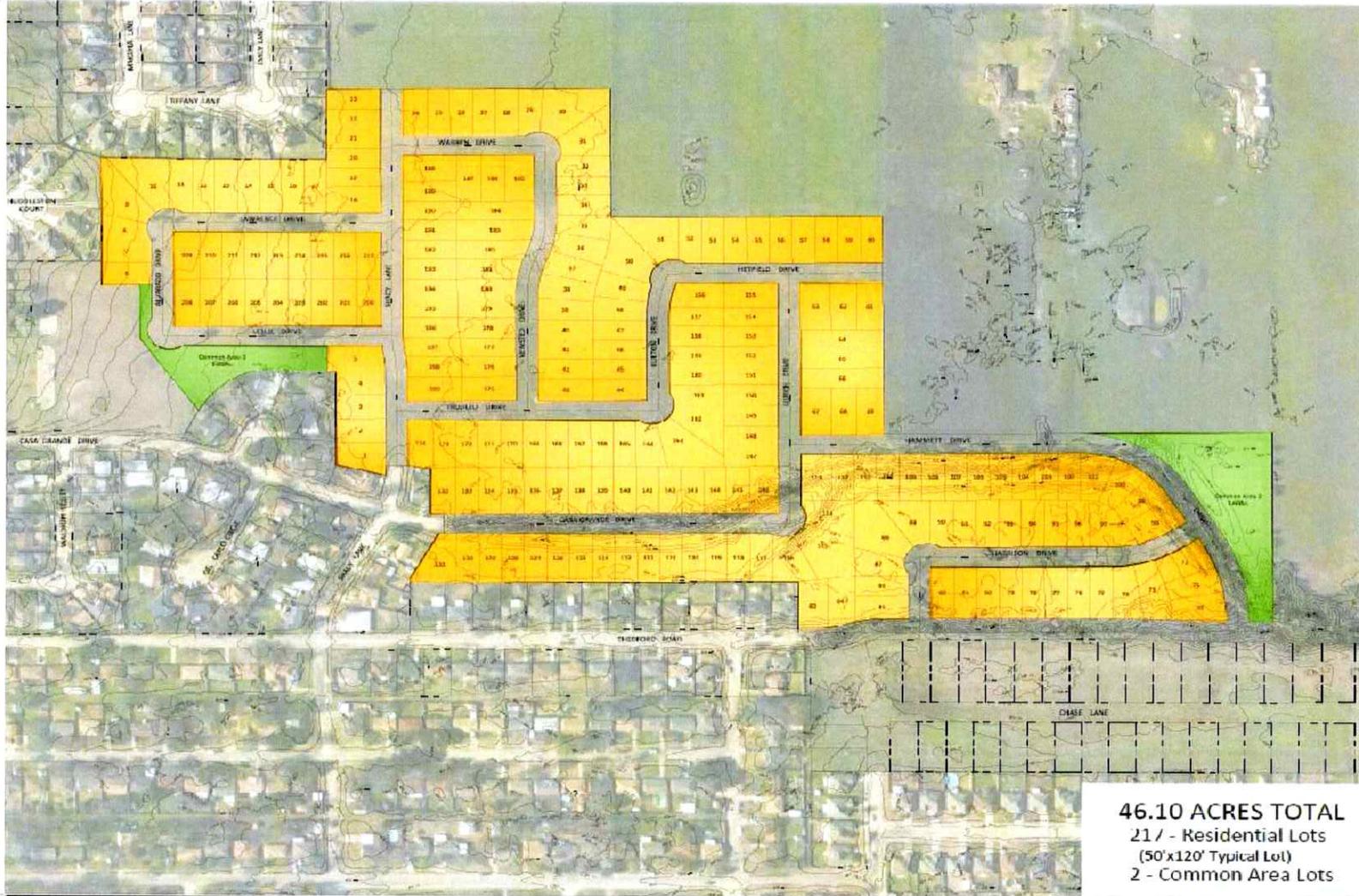
A Survey Map or Plat of even date accompanies this Metes and Bounds Description and is made a part hereby.

September 16, 2019

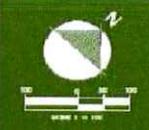
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TBPLS Firm No. 10042600



EXHIBIT "C"
CONCEPT PLAN



46.10 ACRES TOTAL
 21 - Residential Lots
 (50'x120' Typical Lot)
 2 - Common Area Lots



CONCEPT PLAN A
COTTONWOOD CREEK
 SEAGOVILLE, TEXAS



DATE: FEB. 20, 2019
 SHEET NO. 3 OF 3
 PROJECT #00000