

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS**

**ORDINANCE NO. 37-2019**

**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 PLANNED DEVELOPMENT - RESIDENTIAL 2 (ORD 45-03) TO PLANNED DEVELOPMENT - RESIDENTIAL 2 – AMENDED (PD 19-05) ON APPROXIMATELY 43± ACRES, BEING TWO (2) TRACTS OF LAND DESCRIBED AS TRACT 1 AND TRACT 1.1 IN THE HERMAN HEIDER ABSTRACT 541, COMMONLY COLLECTIVELY REFERRED TO AS 408 EAST STARK ROAD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR AMENDED DEVELOPMENT REGULATIONS; PROVIDING FOR THE APPROVAL OF THE CONCEPT PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT “B”; 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. Z2019-30 (PD 19-05) should be approved, and in the exercise of legislative discretion have concluded 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, duly passed by the governing body of the City of Seagoville, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Planned Development - Residential 2 (Ord 45-03) to Planned Development - Residential 2 – Amended (PD 19-05) on approximately 43± acres, being comprised of two (2) Tracts of land described as

Tract 1 and Tract 1.1 in the Herman Heider Abstract 541, commonly collectively referred to as 408 East Stark Road, Seagoville, Dallas County, Texas, and being legally described in Exhibit “A”, attached hereto and incorporated herein.

**SECTION 2.** The property shall be developed and used in accordance with the City of Seagoville Zoning Ordinance and Construction Standards, except as amended herein, and the following development regulations:

- A. The side yard setback for corner lots shall be a minimum of 25 feet.
- B. The side yard setback for interior lots shall be a minimum of 5 feet.
- C. The minimum area of each lot shall be 7200 square feet.
- D. The minimum width of each lot shall be 60 feet.
- E. The minimum living area shall be:
  - 1. 1700 to 1899 square feet for fifty percent (50%) of the dwellings; and
  - 2. at least 1900 square feet for fifty percent (50%) of the dwellings.

**SECTION 3.** The property shall be developed and used only in accordance with the concept plan attached as Exhibit “B” 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.

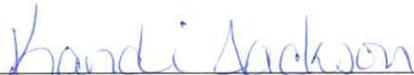
**SECTION 9.** That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Seagoville, Texas, this the 18<sup>th</sup> day of November, 2019.

APPROVED:

  
\_\_\_\_\_  
DENNIS K. CHILDRESS, MAYOR

ATTEST:

  
\_\_\_\_\_  
KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
VICTORIA THOMAS, CITY ATTORNEY

(/cdb 11/13/2019) TM112195 111419



**EXHIBIT "A"**  
**(Legal Property Description)**

**LEGAL DESCRIPTION**

**TRACT 1**

**Being** a 33.11 acre tract or parcel of land situated in the **Harman Hider Survey, Abstract Number 541** in Dallas County, Texas and being a portion of a called 43.3592 acre tract of land described in the deed to Jose E. Manriquez and Maria I. Manriquez, recorded in Document Number 201700214509 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1" iron pipe found at the North corner of said 43.3592 acre tract and the common West corner of a called 0.289 acre tract of land described as Tract One in the deed to James Ray Zimmerman, recorded in Vol. 2000096, Page 5423 of the Deed Records of Dallas County, Texas, and being in the South East Right-of-Way line of Stark Road;

**THENCE** South 44°42'18" East, with the East line of said 43.3592 acre tract and the common West line of said Tract One, a distance of 157.04 feet to 1/2" Iron rod found at the South corner of said Tract One and the common West corner of a called 4.175 acre tract of land described in the deed to Humberto Correa-Flores and Humberto Fabian Correa, recorded in Document Number 201700097238 of the Official Public Records of Dallas County, Texas;

**THENCE** South 45°39'00" East, with the East line of said 43.3592 acre tract and the common West line of said 4.175 acre tract, passing at a distance of 267.11 feet a capped 1/2" iron rod stamped "CBG" found at the South corner of said 4.175 acre tract and the common West corner of a called 3.50 acre tract of land described in the deed to Jose E. Manriquez and Maria I. Manriquez, recorded in Document Number 201600305567 of the Official Public Records of Dallas County, Texas, continuing on said course and with the East line of said 43.3592 acre tract and the common West line of said 3.50 acre tract a total distance of 432.93 feet to a 1/2" iron pipe found at the South corner of said 3.50 acre tract and being the common West corner of a called 3.285 acre tract of land described in the deed to Jose E. Manriquez, recorded in Document Number 200600269987 of the Official Public Records of Dallas County, Texas;

**THENCE** South 45°07'32" East, with the West line of said 3.285 acre tract and the West line of a called 4 acre tract of land described in the deed to David L. King, recorded in Volume 80246, Page 1368 of the Deed Records of Dallas County, Texas respectively, passing at a distance of 360.61 feet a 1" iron pipe found at the South corner of said David L. King tract and being the common West corner of a called 4 acre tract of land described in the deed to Carl B. Mann, recorded in Volume 73082, Page 329 of the Deed Records of Dallas County, Texas, continuing on said course and with the West line of said Carl B. Mann tract and the West line of a tract of land described in the deed to The Flowers Family Trust, recorded in Document Number 201000013980 of the Official Public Records of Dallas County, Texas respectively a total distance of 842.59 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the South corner of said The Flowers Family Trust tract;

**THENCE** North 45°07'54" East, with the South line of said The Flowers Family Trust tract, a distance of 35.77 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the West corner of a tract of

land described as Tract Two in the deed to Edgar Salas, recorded in Document Number 201500262318 of the Official Public Records of Dallas County, Texas;

**THENCE** South 46°08'16" East, with the West line of said Tract Two, passing at a distance of 99.80 feet a 1/2" iron rod at the South corner of said Tract Two and the common West corner of a called 4.991 acre tract of land described in the deed to James Ray Zimmerman, recorded in Volume 86132, Page 5455 of the Deed Records of Dallas County, Texas continuing on said course and with the West line of said 4.991 acre tract, a total distance of 226.22 feet to a 3/4" iron pipe found at the East corner of said 43.3592 acre tract;

**THENCE** with the South line of said 43.3592 acre tract the following courses and distances;

South 09°41'08" West, a distance of 160.63 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set;

South 20°40'52" East, a distance of 68.62 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set;

South 31°21'08" West, a distance of 536.59 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set;

South 17°32'08" West, a distance of 39.24 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set;

South 51°43'08" West, a distance of 333.56 feet to a 1" iron pipe found at the South corner of said 43.3592 acre tract and the common East corner of Lot 7, Block B of the First Installment of Robinwood Estates, recorded in Volume 22, Page 55 of the Map Records of Dallas County, Texas;

**THENCE** North 44°17'16" West, with the West line of said 43.3592 acre tract and the Common East line of said Lot 7, a distance of 10.22 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the South corner of a called 10.00 acre tract of land described in the deed to Lupe Gonzalez, recorded in Document Number 201800069394 of the Official Public Records of Dallas County, Texas;

**THENCE** North 51°32'58" East, with the South line of said 10.00 acre tract, a distance of 226.91 feet to a 1/2" iron rod found at the East corner of said 10.00 acre tract;

**THENCE** North 44°15'02" West, with the East line of said 10.00 acre tract, a distance of 1933.12 feet to a capped 1/2" iron rod stamped "RHODES SURVEYING" found in the North line of said 43.3592 acre tract and being the North corner of said 10.00 acre tract and in the South East Right-of-Way line of said Stark Road;

**THENCE** North 44°48'11" East, with the North line of said 43.3592 acre tract and the common South East Right-of-Way line of said Stark Road, a distance of 749.82 feet to the **POINT OF BEGINNING** and containing **33.11** acres of land more or less.

## Tract 1.1

**Being** a 9.98 acre tract or parcel of land situated in the **Harman Hider Survey, Abstract Number 541** in Dallas County, Texas and being all of a called 10.00 acre tract of land described in the deed to Lupe Gonzalez, recorded in Document Number 201800069394 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1" iron pipe found at the West corner of said 10.00 acre tract and the common North corner of the Second Installment of Robinwood Estates, recorded in Volume 24, Page 51 of the Map Records of Dallas County, Texas and being in the South East Right-of-Way line of Stark Road;

**THENCE** North 44°48'11" East, with the North line of said 10.00 acre tract and the common South East Right-of-Way line of said Stark Road, a distance of 227.01 feet to a capped 1/2" iron rod stamped "RHODES SURVEYING" found at the North corner of said 10.00 acre tract;

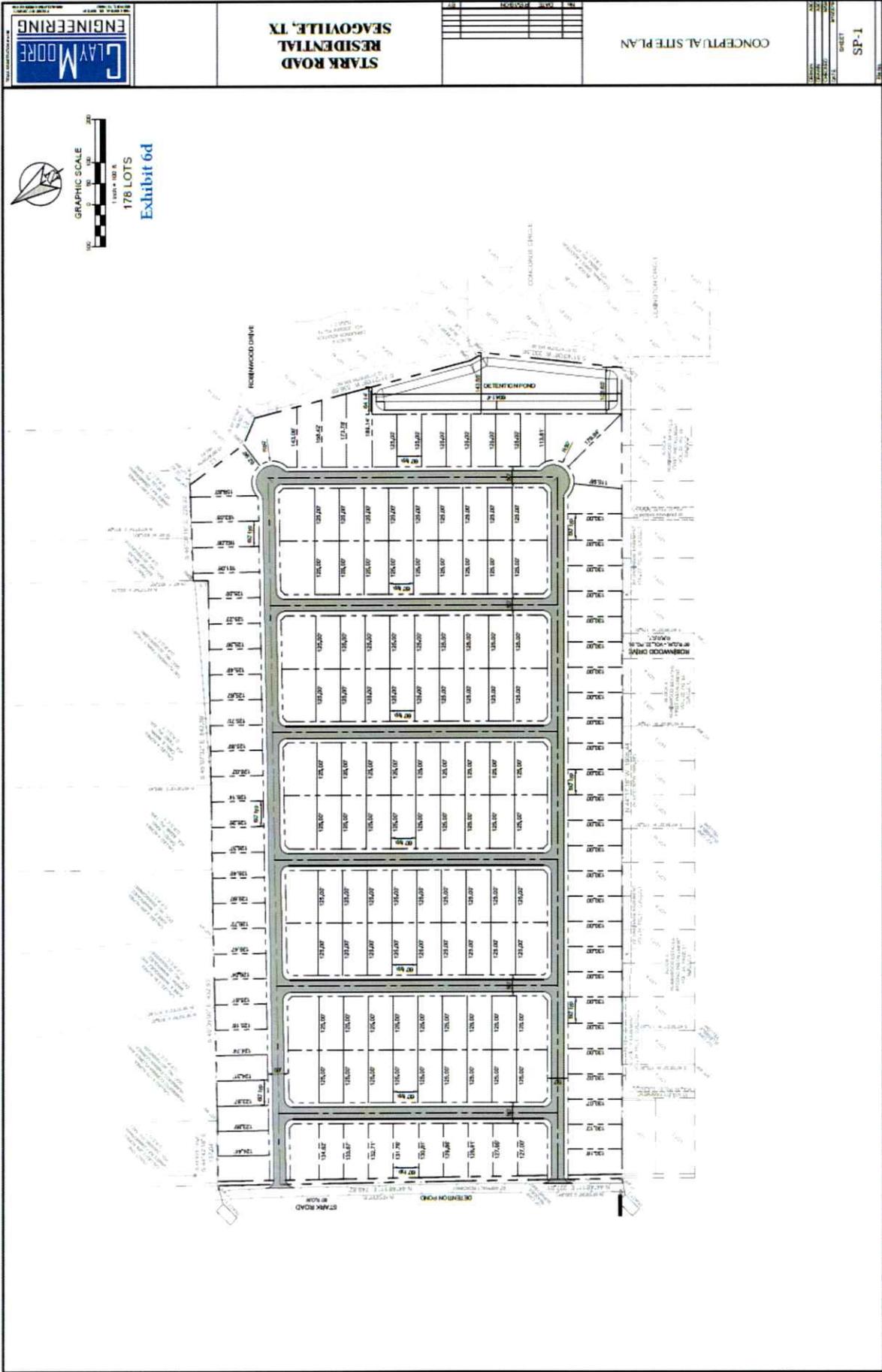
**THENCE** South 44°15'02" East, with the East line of said 10.00 acre tract, a distance of 1933.12 feet to a 1/2" iron rod found at the East corner of said 10.00 acre tract;

**THENCE** South 51°32'58" West, with the South line of said 10.00 acre tract, a distance of 226.91 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the West corner of said 10.00 acre tract and being in the East line of the First Installment of Robinwood Estates, recorded in Volume 22, Page 55 of the Map Records of Dallas County, Texas;

**THENCE** North 44°17'16" West, with the West line of said 10.00 acre tract and the common East lines of said First Installment and Second Installment of said Robinwood Estates respectively, passing at a distance of 1554.58 feet a capped 1/2" iron rod Stamped "R.P.L.S. 5310" found at the North corner of Lot 5 and the East corner of Lot 4, Block A of said Second Installment of Robinwood Estates, passing at a distance of 1634.32 feet a 1/2" iron rod found at the North corner of Lot 4 and the East corner of Lot 3, Block A of said Second Installment of Robinwood Estates continuing on said course a total distance of 1906.44 feet to the **POINT OF BEGINNING** and containing **9.98** acres of land more or less.



Exhibit "C"



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