

ORDINANCE NO. 5400

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN 9.998 ACRE TRACT OF LAND LEGALLY DESCRIBED AS J. M. COPP SURVEY, ABSTRACT NO. 290, , DENISON, GRAYSON COUNTY, TEXAS, AS RECORDED IN THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS AS DOCUMENT NO. 2024-359, COMMONLY REFERRED TO AS 2700 RANDELL LAKE ROAD, DENISON, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A”, FROM ITS ZONING CLASSIFICATION OF A—AGRICULTURAL DISTRICT TO SF-10 – SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE SF-10 – SINGLE-FAMILY RESIDENTIAL DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison, Texas (hereinafter referred to as “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City (the “City Council”) adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

WHEREAS, Ella Solomon (the “Owner”) owns a 9.998 acre tract of land legally described as being in the J.M. Copp Survey, Abstract No. 290, Denison, Grayson County, Texas, as recorded in the Real Property Records of Grayson County, Texas as Document No. 2024-359, and as more particularly described and depicted in **Exhibit “A”**, attached and incorporated as if fully set forth herein (the “Property”), and has made an application under the provisions of the Zoning Ordinance for a zoning change on the Property from the current zoning district classification of A—Agricultural District to SF-10 – Single-Family Residential District; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City

has recommended to the City Council the adoption of the amendments to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the requested zoning change, the recommendation of the Planning and Zoning Commission, and among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the rezoning approved hereby accomplishes such objectives.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, and found to be true.

SECTION 2. Findings. After due deliberation and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare.

SECTION 3. Zoning Amendments. Chapter 28 of the Code of Ordinances of the City, the same being the City's Comprehensive Zoning Ordinance, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

The zoning district classification on the Property is hereby changed from A—Agricultural District to SF-10 – Single-Family Residential District. The Property shall be subject to all applicable City ordinances and regulations governing a SF-10 – Single-Family Residential District.

SECTION 4. Zoning Map. The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Planning Director is hereby amended to reflect the foregoing zoning use changes herein made.

SECTION 5. Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a

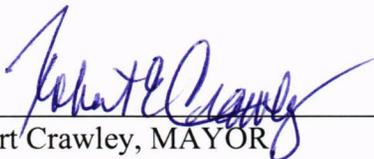
prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 9. Open Meeting. That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 16TH DAY OF JUNE 2025.



Robert Crawley, MAYOR

ATTEST:



Christine Wallentine, City Clerk





EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

SITUATED in the County of Grayson, State of Texas, and being a part of the J. M. Copp Survey, Abstract No. 290 and being all of the 9.989 acre tract of land conveyed by General Warranty Deed from John P. Tellkamp and Raquel Tellkamp to Kim Hicks and Deborah Hicks on February 14, 2002, recorded in Volume 3204, Page 379, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit: •

BEGINNING at a mag nail with flasher set, in or near the center of said Randell Lake Road, a public road, in the East line of the John Reeves Survey, Abstract No. 1052 and the West line of said J.M. Copp Survey, at the Southwest comer of the 10.00 acre tract of land conveyed to Charles A. Robertson, Jr., recorded in Volume 3261, Page 528, said Official Public Records and the Northwest comer of said Hicks 9.989 ac.;

THENCE South 89 deg. 09 min. 18 sec. East, with the South line of said Robertson 10.00 ac. and a North line of said Hicks 9.989 ac., passing a 1/2 inch rebar found at a distance of 24.38 ft. and continuing on for a TOTAL distance of 648.03 ft. to a 1/2 inch rebar found in the West line of line of the 12.0 acre tract. of land conveyed to Michael Dean McKee and Belinda McKee, recorded in Volume 1501, Page 6530, Deed Records, Grayson County, Texas, at the Southeast comer of said Robertson 10.00 ac. and the most Northern Northeast corner of said Hicks 9.989 ac.;

THENCE South 01 deg. 13 min. 57 sec. West, with the West line of said McKee 12.0 ac. and an East line of said Hicks 9.989 ac., a distance of 647.27 ft. to a mag-nail set at the Southwest corner of said McKee 12.0 ac. and an Ell corner of said Hicks 9.989 ac.;

THENCE South 89 deg. 45 min. 22 sec. East, with the South lines of said McKee 12.0 and the 1 acre tract of land conveyed to John Denman and Wanda J. Denman, recorded in Volume 1342, Page 605, said Deed Records and a North line of said Hicks 9.989 ac., a distance of 635.67 ft. to a ½ inch capped rebar set, stamped "RPLS 6578" in the West line of the L.D. Hoover Survey, Abstract No. 582 and the East line of said J.M. Copp Survey, at the most Eastern Northeast comer of said Hicks 9.989 ac.;

THENCE South 01 deg. 59 min. 14 sec. West, with the West line of said L.D. Hoover Survey and the East line of said J.M. Copp Survey and an East line of said Hicks 9.989 ac., a distance of 40.07 ft. to a 1/2 inch rebar found at the Northeast corner of the 10.00 acre (*Tract Three*) tract of land conveyed to Forgin Groups, LLC, recorded in Document No. 2018-12234, said Official Public Records and the Southwest corner of said Hicks 9.989 ac., SAID rebar bears North 01 deg. 34 min. 54 sec. East, 261.98 ft. from a 1/2 inch capped rebar round "RPLS 6578";

THENCE North 89 deg. 45 min. 22 sec. West, with a North line of said Forgin Groups 10.00 ac. and a South line of said Hicks 9.989 ac., a distance of 634.75 ft. to a 1/2 inch rebar found at an angle point;

THENCE North 80 deg. 10 min. 24 sec. West, continuing with a North line of said Forgin Groups 10.00 ac. and a South line of said Hicks 9.989 ac., passing a ½ inch rebar found at a distance

of 626.47 ft. and continuing for a TOTAL distance of 648.90 ft. to a spike nail found in or near the center of said Randell Lake Road, in the East line of said John Reeves Survey and the West line of said J.M. Copp Survey, at the Northwest corner of said Forgin Groups 10.00 ac. and the Southwest corner of said Hicks 9.989 ac., SAID nail bears North 03 deg. 45 min. 48 sec. East, 409.41 ft. from a spike nail found at the Southwest corner of said Forgin Groups 10.00 ac.;

THENCE North 03 deg. 21 min. 13 sec. East, along or near the center of said Randall Lake Road, with said survey lines and a West line of said Hicks 9.989 ac., a distance of 9.48 ft. to a mag-nail with flasher set, at an angle point in said Hicks 9.989 ac.;

THENCE North 00 deg. 31 min. 21 sec. East, continuing along or near the center of said Randall Lake Road, with said survey lines and a West line of said Hicks 9.989 ac., a distance of 576.55 ft. to the PLACE OF BEGINNING and containing 9.998 ACRES of land.

