

ORDINANCE NO. 5414

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 ESTABLISHING THE ZONING CLASSIFICATION ON A CERTAIN 0.644 ACRE TRACT OF LAND LEGALLY DESCRIBED AS BEING A PART OF THE DANIEL C. SHELP SURVEY, ABSTRACT NO. 1097, GRAYSON COUNTY, TEXAS, AND COMMONLY KNOWN AS THE IRON ORE CEMETERY, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", OF SF-20—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-20—SINGLE-FAMILY RESIDENTIAL DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY OF UP TO \$2,000 PER VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS LAWFULLY HELD IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING NO VESTED INTEREST/REPEAL, UNLAWFUL USE OF PROPERTY, 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, the City owns a 0.644 acre tract of land legally described as being a part of the Daniel C. Shelp Survey, Abstract No. 1097, Grayson County, Texas, and commonly known as the Iron Ore Cemetery, 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 to establish a zoning designation on the Property of SF-20—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, are found to be true, and are adopted as legislative findings of the City Council.

SECTION 2. Zoning Amendment. Chapter 28 of the Code of Ordinances of the City, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended as follows: The zoning designation for the Property, and all streets, roads and alleyways contiguous and/or adjacent to the Property, is hereby established as SF-20—Single-Family Residential District. The Property shall be subject to all applicable City ordinances and regulations governing the SF-20—Single-Family Residential District.

SECTION 3. Zoning Map and Code Requirements. The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Director of Development Services is hereby amended to this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, state, and federal laws, as they exist or may be in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

SECTION 4. No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 5. Unlawful Use of Property. It shall be unlawful for any person, firm, association, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, association, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City’s Zoning Ordinance and this Ordinance.

SECTION 6. 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, phrase or word thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases and words be declared unconstitutional or invalid.

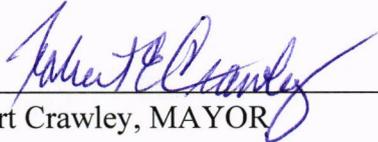
SECTION 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from 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 8. 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 9. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 10. 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 Section 551.041, Texas Government Code.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 15th DAY OF SEPTEMBER 2025.



Robert Crawley, MAYOR

ATTEST:


Christine Wallentine, City Clerk



EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020
Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: kate@helveywagnersurveying.net
TBPLS Firm Registration No. 10088100
Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578

FIELD NOTES
0.644 Acres

SITUATED in the City of Denison, County of Grayson, State of Texas, and being a part of the Daniel C. Shelp Survey, Abstract No. 1097, being the same "called" 1 ac. tract of land conveyed by Deed from Lowis Millican and Lowioa Jane Millican to the Trustees of the Baptist Church colored on March 10, 1877 and recorded in Volume 36, Page 52, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a ½ inch rebar found in the South line of the UHS of Texoma, Inc. 157.990 acre tract of land in Document No. 2018-14238, Official Public Records, at a middle Northeast corner of Lot 1, Block 1, Gateway Medical Office Park, Phase 5 to the City of Denison, Texas as per plat of record in Volume 21, Pages 164 and 165, Plat Records, Grayson County, Texas and the Northwest corner of the herein described tract;

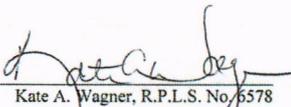
THENCE South 89 deg. 05 min. 29 sec. East, with the South line of said UHS of Texoma 157.990 ac., a distance of 116.25 ft. to a ½ inch rebar found at the Northwest corner of the TPJ Properties, LTD 82.430 acre tract of land conveyed in Volume 4244, Page 629, said Official Public Records and the Northeast corner of the herein described tract;

THENCE South 01 deg. 26 min. 00 sec. West, with the West line of said TPJ Properties 82.430 ac., a distance of 311.67 ft. to a ½ inch capped rebar found, stamped "RPLS 4488" at the most Eastern Northeast corner of said Lot 1 and the most Southern corner of the herein described tract, **SAID** rebar bears North 00 deg. 11 min. 46 sec. West, 14.45 ft. from a ½ inch capped rebar found, stamped "RPLS 4488" at the Southeast corner of said Lot 1 and the Northeast corner of Lot 1, Block 1, Gateway Medical Office Park, Phase 3 to the City of Denison, Texas as per plat of record in Volume 20, Pages 110 & 111, said Plat Records;

THENCE Northerly, with an East line of said Lot 1, Block 1, Gateway Medical Office Park, Phase 5, the following calls and distances:

1. North 52 deg. 04 min. 56 sec. West, a distance of 44.32 ft. to a point at an angle point, **SAID** point bears South 03 deg. 51 min. 24 sec. West, 0.82 ft. from a ½ inch rebar found;
2. North 30 deg. 12 min. 38 sec. West, a distance of 147.97 ft. to a ¼ inch rebar found at an angle point;
3. North 00 deg. 21 min. 13 sec. East, a distance of 158.31 ft. to the **PLACE OF BEGINNING** and containing **0.644 ACRES** of land.

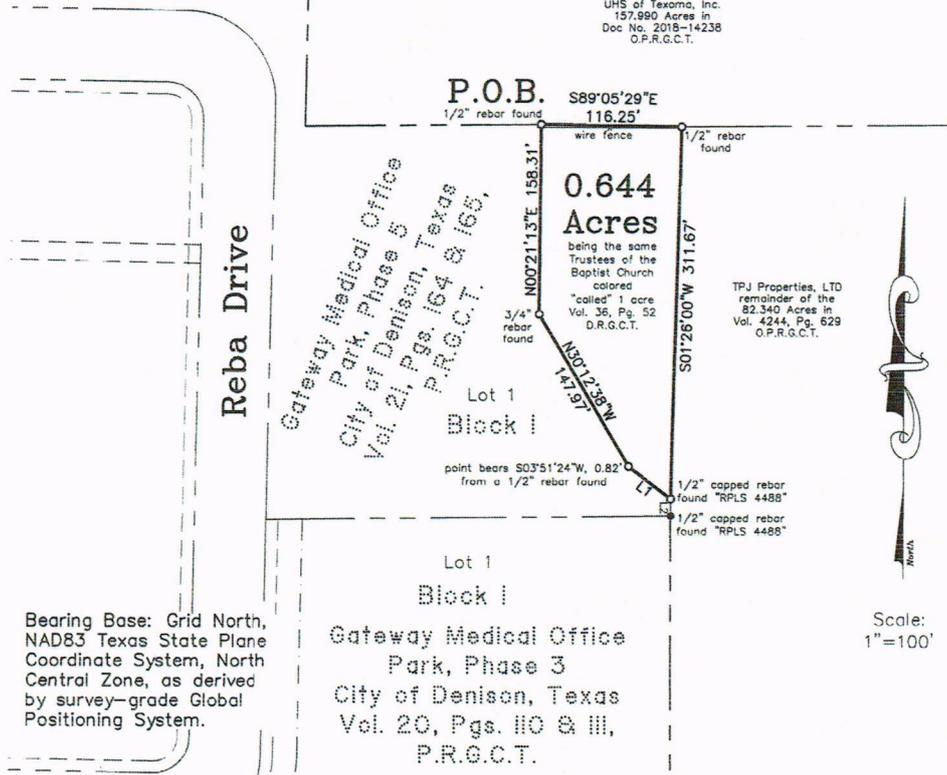



Kate A. Wagner, R.P.L.S. No. 6578
January 20, 2021

Parcel Line Table		
Line #	Length	Direction
L1	44.32'	N52°04'56"W
L2	14.45'	S00°11'46"E

Daniel C. Shelp Survey
Abstract No. 1097
Grayson County, Texas

UHS of Texas, Inc.
157,890 Acres in
Doc No. 2018-14238
O.P.R.G.C.T.



Bearing Base: Grid North,
NAD83 Texas State Plane
Coordinate System, North
Central Zone, as derived
by survey-grade Global
Positioning System.

TPJ Properties, LTD
remainder of the
82.340 Acres in
Vol. 4244, Pg. 629
O.P.R.G.C.T.

Scale:
1"=100'

Buyer: City of Denison

This survey is for the sole benefit of the Owners and Buyers Stated hereon and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with the current Texas Society of Professional Surveyors Manual of Practice for a Category 1A, Condition 3, TSPS Land Title Survey and is a true and correct representation of the property shown hereon to the best of my knowledge and belief. See Field Notes attached herewith.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0280 F, Revised Date: September 29, 2010.

Job No. BGD460121

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Email: kate@helveywagnersurvey.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



Kate A. Wagner, R. P. L. S. No. 6578
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