

ORDINANCE NO. 5430

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 AN APPROXIMATELY 14.753 ACRES OF LAND, LOCATED GENERALLY SOUTH OF FM 1310, AND LEGALLY DESCRIBED AS BEING A PART OF THE JESSE MYERS SURVEY, ABSTRACT NO. 837, TRACT TWO, GRAYSON COUNTY, TEXAS, DESCRIBED IN THE WARRANTY DEED FROM GEORGE H. ROWLAND AND MARJORIE V. ROWLAND, TO MAURICE A. WEISBERG AND GLORIA WEISBERG ON APRIL 28, 1967, RECORDED IN VOL. 1080, PAGE 240, OF THE GRAYSON COUNTY DEED RECORDS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", ESTABLISHING A ZONING CLASSIFICATION OF AGRICULTURAL 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 AGRICULTURAL 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 the approximate 14.753 acre tract of land legally described as being a part of the Jesse Myers Survey, Abstract No. 837, Tract Two, Grayson County, Texas, described in the warranty deed from George H. Rowland and Marjorie V. Rowland, to Maurice A. Weisberg and Gloria Weisberg on April 28, 1967, recorded in Vol. 1080, Page 240, of the Grayson County Deed Records, 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 district classification of Agricultural 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 a 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 Agricultural District. The Property shall be subject to all applicable City ordinances and regulations governing the Agricultural 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 20th DAY OF JANUARY 2026.


Robert Crawley, MAYOR

ATTEST:


Christine Wallentine, City Clerk



EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

EXHIBIT "A"

Bk	Vol	Pg
00016054	OR	3881 47

SITUATED in the County of Grayson, State of Texas, being a part of the Jesse Myers Survey, Abstract No. 837, being the 14.854 acre tract of land described as Tract Two, conveyed in the Warranty Deed from George H. Rowland and Marjorie V. Rowland, to Maurice A. Weisberg and Gloria Weisberg, on April 28, 1967, recorded in Volume 1080, Page 240, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found at the base of a corner post at the intersection of the West line of the Myers Survey and the South right-of-way line of F. M. Hwy. 1310 and the East line of the Samuel R. Campbell Survey, Abstract No. 247, at the Northwest corner of the Weisberg 14.854 ac. and the "current" Northeast corner of the Diablo Valley Estate Company, LLC. "called" 137.34 ac. in Vol. 3210, Pg. 614;

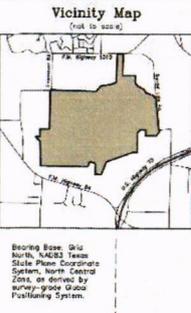
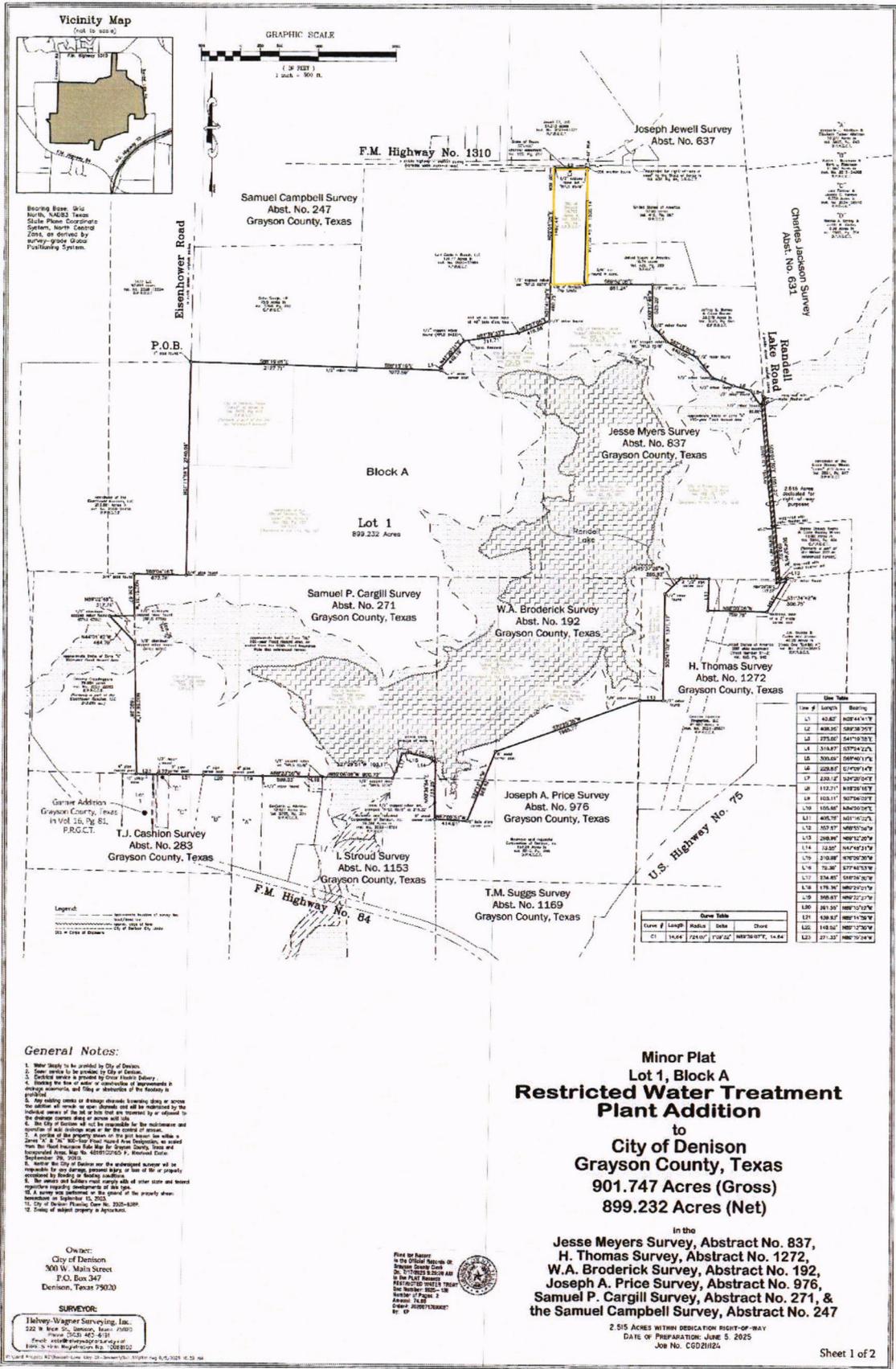
THENCE Easterly, with the South right-of-way line of F. M. Hwy. 1310, the following calls and distances:

1. South 88 deg. 42 min. East, 408.25 ft. to a point at the beginning of a curve;
2. Easterly, with a curve to the left having a central angle of 01 deg. 13 min. 08 sec. and a radius of 724.07 ft. (*chord bears South 89 deg. 18 min. 34 sec. East, 15.40 ft.*), an arc distance of 15.40 ft. to a point in "triple" 5 inch trees, at the base of a U. S. Army Corps of Engineers boundary marker sign, at the Northeast corner of the Weisberg 14.854 ac. and in a West line of the United States of America property of the U. S. Army Corps of Engineers boundary around Lake Texoma, at the Spillway Site, said point being South 01 deg. 04 min. West, 106.1 ft. from a concrete & brass "Corps" monument found in the North back slope of said Hwy., said monument stamped C17 D2 D3 and dated 1987;

THENCE South 02 deg. 39 min. West, with said West line of the U.S.A. property, passing a "lone standing" 4 inch bois d'arc post at 13.9 ft., and continuing for a total distance of 1501.18 ft. to a point in an "East-West" wire fence with tapered concrete "street corner" posts used for fence posts, said fence maintaining the North line of the City of Denison Randell Lake Reservoir property, at the Southeast corner of the Weisberg 14.854 ac., said wire & concrete post fence being along the center of an old public road, long ago abandoned, said Southeast corner of the Weisberg 14.854 ac. being North 87 deg. 30 min. West, 70.8 ft. from a tapered concrete "street corner" post at a corner in said fence, and said Weisberg Southeast corner being South 70 deg. 57 min. West, 71.6 ft. from a aluminum capped "Corps" monument found at the Southeast base of a 4 inch bois d'arc corner post in the North line of said old road, said aluminum capped monument stamped D9 D1 and dated 1985;

THENCE North 87 deg. 30 min. West, with the general course of said wire & concrete post fence, and along the center of said abandoned public road, leaving said fence and center of said road as both turn off line to the Southwest at about 360 ft., and continuing for a total distance of 435.30 ft. to a point in an old "North-South" treerow maintaining the West line of the Myers Survey and the East line of both the Campbell Survey and the Diablo Valley 137.34 ac., at the Southwest corner of the Weisberg 14.854 ac. and the Northwest corner of the City of Denison Randell Lake property, said point being 2 ft. North of a 20 inch bois d'arc tree;

THENCE North 03 deg. 06 min. 07 sec. East, with said treerow, passing a fence corner at 22.5 ft., and continuing now with the general course of a wire & bois d'arc post fence & treerow maintaining said Survey lines, for a total distance of 1492.22 ft. to the **PLACE OF BEGINNING** and containing **14.753 ACRES** of land.



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

Curve #	Length	Ratio	Delta	Chord
L1	420.82	1:100	10.0000	420.82
L2	800.95	1:100	19.9999	800.95
L3	275.00	1:100	6.9426	275.00
L4	319.87	1:100	8.0714	319.87
L5	309.00	1:100	7.7146	309.00
L6	228.87	1:100	5.7146	228.87
L7	233.12	1:100	5.8730	233.12
L8	112.71	1:100	2.8235	112.71
L9	103.11	1:100	2.5736	103.11
L10	100.00	1:100	2.5000	100.00
L11	400.78	1:100	10.0000	400.78
L12	357.97	1:100	8.9287	357.97
L13	200.00	1:100	5.0000	200.00
L14	12.207	1:100	0.3071	12.207
L15	2.100	1:100	0.0525	2.100
L16	75.307	1:100	1.8827	75.307
L17	574.85	1:100	14.3713	574.85
L18	170.30	1:100	4.2575	170.30
L19	368.87	1:100	9.2222	368.87
L20	261.30	1:100	6.5325	261.30
L21	130.87	1:100	3.2663	130.87
L22	142.50	1:100	3.5625	142.50
L23	271.32	1:100	6.7825	271.32

General Notes:
 1. Survey made by or for the City of Denison.
 2. Same as to be provided by City of Denison.
 3. Certified copies to be provided by the Surveyor.
 4. Showing the line of water or construction of improvements to adjacent interests, and City or otherwise of the location is provided.
 5. Any existing easements or other interests crossing along or across the surface will remain in effect, and all be restricted by the indicated areas of the plat or not that are reserved by or referred to the drainage system along or across said lots.
 6. The City of Denison will not be responsible for the maintenance and operation of the drainage work on the lot or lots.
 7. A portion of the property shown on the plat herein lies within a Zone "C" or "D" of the Flood Hazard Insurance Program, as stated with the Flood Insurance Rate Map for Grayson County, Texas and designated Area Map No. 445515220-7, National Flood Insurance Program, 2015.
 8. Neither the City of Denison nor the undersigned surveyor will be responsible for any damage, personal injury or loss of life or property caused by flooding or flooding conditions.
 9. The results of this survey shall be subject to all other state and federal regulatory requirements of this type.
 10. A survey was performed on the ground of the property shown hereon on September 11, 2025.
 11. City of Denison Planning Commission No. 2025-0309.
 12. Denial of subject property is Appealable.

Minor Plat
Lot 1, Block A
Restricted Water Treatment Plant Addition
to
City of Denison
Grayson County, Texas
901.747 Acres (Gross)
899.232 Acres (Net)
 In the
Jesse Meyers Survey, Abstract No. 837,
H. Thomas Survey, Abstract No. 1272,
W.A. Broderick Survey, Abstract No. 192,
Joseph A. Price Survey, Abstract No. 976,
Samuel P. Cargill Survey, Abstract No. 271, &
the Samuel Campbell Survey, Abstract No. 247
 2.515 ACRES WITHIN DEDICATION RIGHT-OF-WAY
 DATE OF PREPARATION: JUNE 5, 2025
 JOB NO. CGD2624

Ownee:
 City of Denison
 300 W. Main Street
 P.O. Box 347
 Denison, Texas 75020

SURVEYOR:
 Halvey-Wagner Surveying, L.P.
 222 N. Main St., Denison, Texas 75020
 Phone: (817) 462-6110
 Email: info@halvey-wagner.com
 License No. 14366 (Professional Seal)

