

ORDINANCE NO. 2012 - 04

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM "RA" RURAL AGRICULTURAL TO "B-1" LOCAL BUSINESS DISTRICT, AND GRANTING A SPECIFIC USE PERMIT FOR AN ASSISTED LIVING FACILITY ON THAT APPROXIMATELY FOUR ACRES OF LAND (TWO 2-ACRE TRACTS) SITUATED IN J. DOUTHIT SURVEY, A-198, ON SOUTH TRADE DAYS BOULEVARD, CANTON, TEXAS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Canton and the City Council of the City of Canton, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded 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; and

WHEREAS, the City Council of the City of Canton is of the opinion and finds that a zoning change should be granted and that the Zoning Ordinance and Map should be amended;

WHEREAS, the City Council of the City of Canton is of the opinion and finds that a specific use permit should be granted and that the Zoning Ordinance and Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS;

SECTION 1. That the Zoning Ordinance and Map of the City of Canton, Texas, as heretofore amended, be and the same are hereby, amended by changing the property owned by Sylvia Barbee, et al, which is approximately four acres (in two 2-acre tracts) situated in the J. Douthit Survey, A-198, located on South Trade Days Boulevard, Canton, Texas, from "RA" Rural Agricultural to "B-1" Local Business District zoning classification (see attached plat).

SECTION 2. That a Specific Use Permit is hereby granted to allow an assisted living facility on the property described, subject to the following special conditions:

- a. That the property shall be developed in accordance with the City of Canton Zoning Ordinance; and
- b. That all other regulations of the "B-1" Local Business District Zoning shall apply.

SECTION 3. That any provisions of the ordinances of the City of Canton in conflict with the provisions of this ordinance or the Zoning Ordinance and Map, as amended hereby, be, and the same are hereby, repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance or the Comprehensive Plan, as amended hereby be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Plan as a whole, or any part or provision thereof, other than the part decided to be invalid, illegal or unconstitutional.

SECTION 5. Any violation of this ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this ordinance shall be a fine not to exceed Two Hundred and No/100 (\$200.00) Dollars.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provide.

DULY PASSED by the City Council of the City of Canton, Texas, on the 21st day of February, 2012.

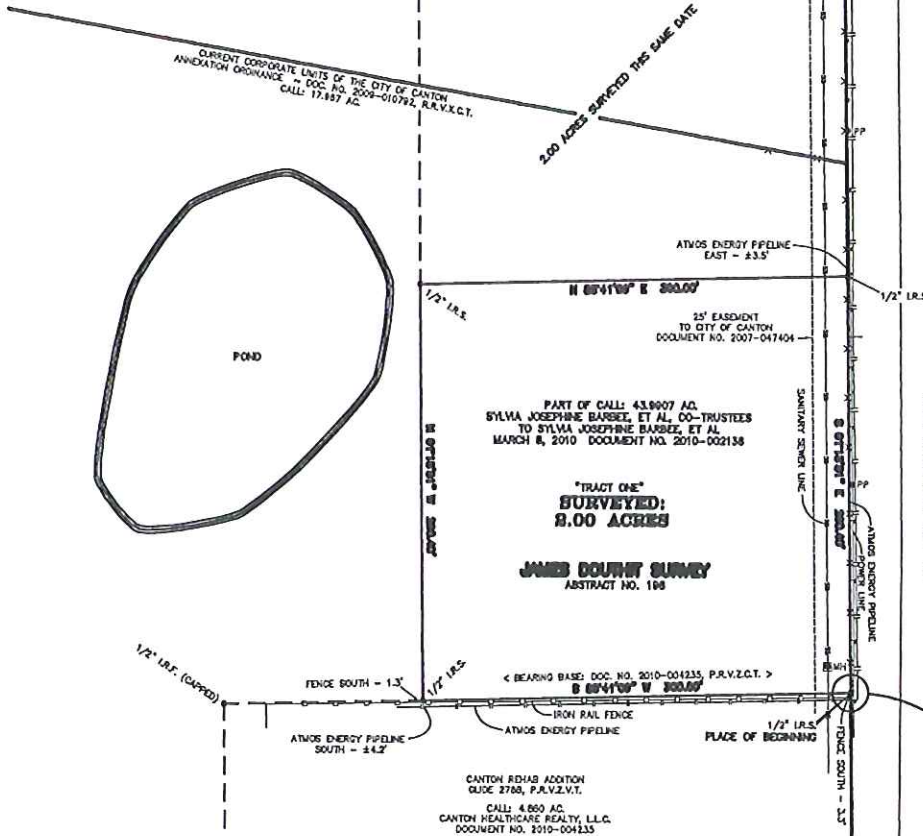


Cary S. Hilliard, Mayor

ATTEST:



Julie H. Seymore, City Secretary



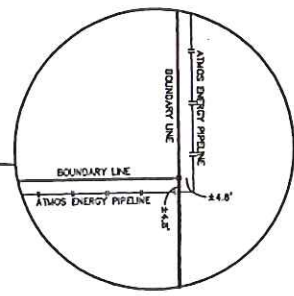
PART OF CALL: 43,8907 AC.
 SYLVIA JOSEPHINE BARBEE, ET AL, CO-TRUSTEES
 TO SYLVIA JOSEPHINE BARBEE, ET AL
 MARCH 8, 2010 DOCUMENT NO. 2010-002138

TRACT ONE
SURVEYED:
2.00 ACRES

JAMES DOUTHET SURVEY
 ABSTRACT NO. 198

CANTON RDHAS ADDITION
 BLDG 2768, P.R.V.Z.C.T.
 CALL: 4850 AC.
 CANTON HEALTHCARE REALTY, L.L.C.
 DOCUMENT NO. 2010-004133

- LEGEND**
- DENOTES IRON RAIL FENCE
 - X— DENOTES BARBED WIRE FENCE
 - ||— DENOTES POWER LINE
 - |— DENOTES PIPELINE (APPROX. LOCATION)
 - S— DENOTES SANITARY SEWER LINE
 - PP DENOTES POWER POLE
 - MH DENOTES SANITARY SEWER MANHOLE
 - I.R.F. (CAPPED) DENOTES IRON ROD (FOUND) W/CAP STAMPED "STANGER"
 - I.R.S. DENOTES IRON ROD (SET) W/CAP STAMPED "STANGER"



NOTE:
 THE LOCATION OF THE ATMOS ENERGY PIPELINE SHOWN HEREON WAS LOCATED AND MARKED ON THE GROUND BY TEXAS 811 ON DECEMBER 6, 2011.

RESEARCH OF EASEMENTS BY THIS SURVEYOR WAS LIMITED TO THE FOLLOWING, IN CONNECTION WITH D.F. #1117045 NDO:
 EASEMENT AND RIGHT OF WAY TO TEXAS POWER AND LIGHT COMPANY, RECORDED IN VOLUME 270, PAGE 304, D.U.V.Z.C.T. (PER EASEMENT DOCUMENT, THIS EASEMENT DOES NOT CROSS SUBJECT 2.00 ACRE TRACT).
 RIGHT OF WAY AND EASEMENT TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY, RECORDED IN VOLUME 358, PAGE 874, D.U.V.Z.C.T. (A BLANKET EASEMENT, THE SPECIFIC LOCATION OF SAID EASEMENT WAS NOT GIVEN IN RECORD INSTRUMENT AND CANNOT BE LOCATED FROM SAME. EVIDENCE, WARNINGS OR SIGNS OF SAID EASEMENT WERE NOT OBSERVED BY THIS SURVEYOR ON SUBJECT 2.00 ACRE TRACT).
 RIGHT OF WAY EASEMENT TO THE CITY OF CANTON, RECORDED IN VOLUME 718, PAGE 48, D.U.V.Z.C.T. (PER EASEMENT DOCUMENT, THIS EASEMENT DOES NOT CROSS SUBJECT 2.00 ACRE TRACT).
 EASEMENT AND RIGHT OF WAY TO TEXAS POWER AND LIGHT COMPANY, RECORDED IN VOLUME 878, PAGE 60, D.U.V.Z.C.T. (PER EASEMENT DOCUMENT, THIS EASEMENT DOES NOT CROSS SUBJECT 2.00 ACRE TRACT).
 EASEMENT AND RIGHT OF WAY TO TEXAS POWER AND LIGHT COMPANY, RECORDED IN VOLUME 1009, PAGE 402, R.U.V.Z.C.T. (PER EASEMENT DOCUMENT, THIS EASEMENT DOES NOT CROSS SUBJECT 2.00 ACRE TRACT).
 EASEMENT AND RIGHT OF WAY TO TEXAS POWER AND LIGHT COMPANY, RECORDED IN VOLUME 1183, PAGE 832, R.U.V.Z.C.T. (PER EASEMENT DOCUMENT, THIS EASEMENT DOES NOT CROSS SUBJECT 2.00 ACRE TRACT).
 EASEMENT AND RIGHT OF WAY TO TEXAS POWER AND LIGHT COMPANY, RECORDED IN VOLUME 1183, PAGE 834, R.U.V.Z.C.T. (PER EASEMENT DOCUMENT, THIS EASEMENT DOES NOT CROSS SUBJECT 2.00 ACRE TRACT).
 EASEMENT AGREEMENT FOR ACCESS TO THE CANTON ECONOMIC DEVELOPMENT CORPORATION, RECORDED IN VOLUME 1874, PAGE 343, R.U.V.Z.C.T. (PER EASEMENT DOCUMENT, THIS EASEMENT DOES NOT CROSS SUBJECT 2.00 ACRE TRACT).
 EASEMENT TO THE CITY OF CANTON, RECORDED IN DOCUMENT NUMBER 2007-047404, R.U.V.Z.C.T. (SHOWN HEREON).

ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 48487003000, EFFECTIVE 12-17-2010, THE 2.00 ACRE TRACT SHOWN HEREON APPEARS TO LIE WITHIN ZONE X OR ZONE D.

THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

IN PROVIDING THIS BOUNDARY SURVEY, NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLIC OWNED. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

SEE METES AND BOUNDS DESCRIPTION PREPARED EVEN DATE (0110181-TRACT ONE).

IN CONNECTION WITH D.F. #1117045 NDO:
 TO: COUNTRY PLACE LIVING, L.L.C., REPUBLIC TITLE OF TEXAS, INC., AND ITS UNDERWRITER, FIRST AMERICAN TITLE INSURANCE COMPANY,
 USE OF THIS SURVEY BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE IS STRICTLY PROHIBITED.

NOTE: SUBDIVISION OF REAL ESTATE IS REGULATED BY STATE LAW AND ADDITIONAL REGULATIONS MAY ALSO APPLY FROM LOCAL CITY AND COUNTY SUBDIVISION REGULATIONS. ANY INDIVIDUAL USING THIS SURVEY SHOULD CONSULT AN ATTORNEY TO DETERMINE TO WHAT EXTENT SUBDIVISION LAWS AND REGULATIONS APPLY TO ITS USE.

IN CONNECTION WITH D.F. #1117045 NDO:
 TO: COUNTRY PLACE LIVING, L.L.C., REPUBLIC TITLE OF TEXAS, INC., AND ITS UNDERWRITER, FIRST AMERICAN TITLE INSURANCE COMPANY,

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

GIVEN UNDER MY HAND & SEAL, THIS THE 8TH DAY OF NOVEMBER, 2011.
 REVISED, THIS THE 22ND DAY OF NOVEMBER, 2011.
 REVISED, THIS THE 8TH DAY OF DECEMBER, 2011.

Mark D. Bryant
 BY: MARK D. BRYANT, SR.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF TEXAS NO. 4380



PLAT OF SURVEY
SHOWING PART OF THE
JAMES DOUTHET SURVEY, ABSTRACT NO. 198
CITY OF CANTON
VAN ZANDT COUNTY, TEXAS
SCALE: 1" = 60 FEET



COPYRIGHT 2011
 ALL RIGHTS RESERVED
 STANGER SURVEYING CANTON L.L.C.
 CANTON, TEXAS
 (NON-TRANSFERABLE)

STANGER
 SURVEYING CANTON L.L.C.
 501 South Trade Down Blvd.
 Canton, Texas 76103
 (903) 667-6680

SURVEY COMPLETED: 11-08-2010
 FB/PQ: VZ 248/65 JOB NO: 0110181-TRACT ONE

PLAT VOID IF NOT SIGNED IN RED.
 PROPOSED INSURED: COUNTRY PLACE LIVING, L.L.C. (D.F. #1117045 NDO)