

ORDINANCE NO. 2006 - 25

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1986 CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM "RA" RURAL AGRICULTURAL DISTRICT TO "B-2" GENERAL BUSINESS DISTRICT, ON THAT APPROXIMATELY 8.779-ACRE TRACT OF LAND SITUATED IN THE J. DOUTHIT SURVEY, A-198, LOCATED ON HIGHWAY 243 EAST, IN THE CITY OF 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;

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 8.779-acre tract of land situated in the J. Douthit Survey, A-198, located on Highway 243 East, Canton, Texas, more particularly described in Exhibit "A", from "RA" Rural Agricultural District to "B-2" General Business District zoning classification.

SECTION 2. That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton.

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with the provisions of this ordinance or the Zoning Ordinance and Map, as amended hereby, be, and the same are hereby, repealed.

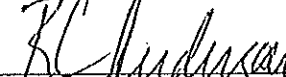
SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance or the Comprehensive Plan, as amended hereby, be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Plan as 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 17<sup>th</sup> day of October, 2006.

**APPROVED:**

  
\_\_\_\_\_  
R.C. Anderson, Mayor

**ATTEST:**

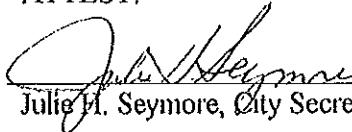
  
\_\_\_\_\_  
Julie H. Seymore, City Secretary

EXHIBIT "A"

TRACT 1

All that certain lot, tract or parcel of land, lying and being situated in the County of Van Zandt, State of Texas, a part of the JAMES DOUTHIT SURVEY, Abstract No. 198, and more fully described as follows, to-wit:

Being a part of a certain tract out of said Douthit Survey, which said tract was conveyed by W. E. Ogletree et ux to Free State Lumber Company, by deed of January 10, 1957, and of record in Volume 469, Page 33, Deed Records of Van Zandt County, Texas,

BEGINNING at a stake set for corner at corner post in North right-of-way line of State Highway No. 243, as said highway right-of-way line is marked and occupied as of this date, said beginning point being the Southeast corner of a certain tract out of said survey, which tract was conveyed by W. E. Ogletree et ux to L. A. Austin by deed of April 25, 1953, and of record in Volume 427, Page 494, Deed Records of Van Zandt County, Texas, said beginning point being 437.6 feet North 81 deg. 20 min. East from the concrete highway right-of-way marker at beginning of Northeast flare line at junction of said State Highway No. 243 with State Highway No. 19;

THENCE North 7 deg. 10 min. West 398 feet to stake for corner in fence;

THENCE North 71 deg. 30 min. East, with fence, 767 feet to stake for corner at fence corner;

THENCE South 15 deg. 30 min. East, with fence, 532 feet to corner in said North right-of-way line of State Highway No. 243;

THENCE South 81 deg. 20 min. West, with said highway right-of-way line, 825 feet to the place of beginning, containing 8.45 acres of land.

Being the same land in Warranty Deed with Vendor's Lien dated February 15, 1983, from J. L. Bridwell and wife, Mary J. Bridwell to Bobby G. Bridwell and wife, Barbara Bridwell, recorded in Volume 1000, Page 444, Deed Records of Van Zandt County, Texas.

LESS & EXCEPT:

All that certain lot or parcel of land, a part of the J. Douthit Survey A-198, Van Zandt County, Texas, and also being a part of that certain called 8.45 acre tract of land that is described in a Deed from J.L. Bridwell, et ux, Mary J., to Bobby G. Bridwell, et ux, Barbara, that is recorded in Volume 1000 Page 444 of the Real Property Records of Van Zandt County, Texas, and being further described by plat dated September 20, 2005 by R.P.L.S. No. 5305 and being more completely described as follows to wit;

BEGINNING at a Point for Corner, in a Creek, at the S.E.C. of said tract and the S.W.C. of a called 128.00 acres (Vol. 1461 Pg 811) and in the N.B.L. of Hwy #243;

THENCE South 81 degrees 19 minutes 59 seconds West, along the S.B.L. of said tract and the N.B.L. of said Hwy., at 34.72 feet pass a 1/2 Inch Iron Rod found for reference and continue for a total distance of 208.70 feet to a 1/2 Inch Iron Rod set for corner, from which a Concrete R.O.W. Monument, bears South 81 degrees 19 minutes 59 seconds West, 119.98 feet;

THENCE North 16 degrees 00 minutes 06 seconds West, across said tract, for a distance of 210.45 feet to a 1/2 Inch Iron Rod set for corner;

THENCE North 81 degrees 20 minutes 01 seconds East, at 183.70 feet pass a 1/2 Inch Iron Rod set for reference and continue for a total distance of 208.70 feet to Point for Corner in the E.B.L. of said tract and the W.B.L. of said called 128.00 acres;

THENCE South 16 degrees 00 minutes 00 seconds East, along the E.B.L. of said tract and the W.B.L. of said called 128.00 acres, for a distance of 210.44 feet to the plat of beginning containing 1.0000 acres.

Being the same land in General Warranty Deed dated April 7, 2006 from Bobby G. Bridwell and wife, Barbara Bridwell to Weston Family Limited Partnership, recorded in Volume 2126, Page 296, Real Records of Van Zandt County, Texas, corrected in Volume 2129, Page 150, Real Records of Van Zandt County, Texas.

## TRACT 2

All that certain lot or parcel of land, a part of the J. Douthit Survey A-198, Van Zandt County, Texas, and also being a part of that certain called 8.45 acre tract of land that is described in a Deed from J.L. Bridwell, et ux, Mary J., to Bobby G. Bridwell, et ux, Barbara, that is recorded in Volume 1000 Page 444 of the Real Property Records of Van Zandt County, Texas, and being further described by plat dated September 20, 2005 by R.P.L.S. No. 5305 and being more completely described as follows to wit;

BEGINNING at a Point for Corner, in a Creek, at the S.E.C. of said tract and the S.W.C. of a called 128.00 acres (Vol. 1461 Pg 811) and in the N.B.L. of Hwy #243;

THENCE South 81 degrees 19 minutes 59 seconds West, along the S.B.L. of said tract and the N.B.L. of said Hwy., at 34.72 feet pass a 1/2 Inch Iron Rod found for reference and continue for a total distance of 208.70 feet to a 1/2 Inch Iron Rod set for corner, from which a Concrete R.O.W. Monument, bears South 81 degrees 19 minutes 59 seconds West, 119.98 feet;

THENCE North 16 degrees 00 minutes 06 seconds West, across said tract, for a distance of 210.45 feet to a 1/2 Inch Iron Rod set for corner;

THENCE North 81 degrees 20 minutes 01 seconds East, at 183.70 feet pass a 1/2 Inch Iron Rod set for reference and continue for a total distance of 208.70 feet to Point for Corner in the E.B.L. of said tract and the W.B.L. of said called 128.00 acres;

**THENCE South 16 degrees 00 minutes 00 seconds East, along the E.B.L. of said tract and the W.B.L. of said called 128.00 acres, for a distance of 210.44 feet to the plat of beginning containing 1.0000 acres.**

**Being the same land in Warranty Deed dated April 10, 2006 from JoArt, LLC to Westco Family Limited Partnership, recorded in Volume 2126, Page 564, Real Records of Van Zandt County, Texas.**