

ORDINANCE NO. 2024-1455

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, GRANTING A ZONING MAP AMENDMENT FOR THE PURPOSES OF REZONING A PARCEL FROM GENERAL COMMERCIAL (GC) INTO THE DOWNTOWN DISTRICT (DD), FOR A 4.95-ACRE TRACT OR PARCEL OF LAND SITUATED IN THE ENOCH LATHAM SURVEY, ABSTRACT NO. 50, CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the owner of that certain tract or parcel of land described in Exhibit A attached hereto (the "Property") has submitted a complete application for a change in zoning classification to the City of Fulshear Planning and Zoning Commission; and

WHEREAS, after giving due notice as required by Chapter 211 of the Texas Local Government Code, the Planning and Zoning Commission held a public hearing on its preliminary report on such application, and has submitted a final report to the City Council of the City of Fulshear; and

WHEREAS, the Planning and Zoning Commission has made a recommendation to the City Council regarding the change in zoning classification; and

WHEREAS, after receiving the final report of the Planning and Zoning Commission, and after giving due notice as required by Chapter 211 of the Texas Local Government Code, the City Council held a public hearing on the matter at which parties in interest and citizens had an opportunity to be heard; and

WHEREAS, the City Council desires to grant the change in zoning classification, and finds that such change in zoning classification promotes the public health, safety, morals, or general welfare and protects and preserves places of civic or architectural importance and significance;

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

Section 1. The zoning classification of that certain acre tract or parcel of land being more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), is hereby rezoned into the Downtown District (DD)

Section 2. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall

be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00), provided that if such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 3. **Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. **Repeal.** All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. **Effective date.** This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the 16th day of April 2024.

Aaron Groff, Mayor

ATTEST:

Mariela Rodriguez, City Secretary

Escrow File No 23-00713

EXHIBIT "A"

4.95 ACRES OF LAND, MORE OR LESS, IN THE ENOCH LATHAM 1/4 LEAGUE, ABSTRACT NO. 50, FORT BEND COUNTY, TEXAS, CITY OF FULSHEAR, RECORDED IN VOLUME 76, PAGE 407, IN THE FORT BEND COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET 1/2 INCH IRON ROD MARKING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF BOIS D'ARC ROAD (VARIABLE WIDTH) AND THE EAST RIGHT-OF-WAY LINE OF FULSHEAR RUN TRACE (80' R.O.W.) ALSO BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 61°42'21" EAST, ALONG AND COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF BOIS D'ARC ROAD AND THE HEREIN DESCRIBED TRACT, A DISTANCE OF 626.12 FEET, TO A 1/2 INCH IRON ROD SET, MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS NORTH 64°32' EAST, A DISTANCE OF 5.80 FEET, SAID POINT BEING THE NORTHWEST CORNER OF A CALLED 0.7274 ACRE TRACT, CONVEYED BY DEED TO KHALED AZZAM, AS RECORDED UNDER CLERK'S FILE NO. 2019012425;

THENCE SOUTH 01°28'36" EAST, ALONG AND COINCIDENT WITH THE COMMON LINE OF SAID 0.7274 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, A DISTANCE OF 257.13 FEET TO A FOUND 1/2 INCH IRON ROD FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING IN THE NORTH LINE OF A CALLED 10.010 ACRE TRACT, CONVEYED BY DEED TO DHK FULSHEAR, L.P. AS RECORDED UNDER CLERK'S FILE NO. 2014052080, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID 0.7274 ACRE TRACT ;

THENCE SOUTH 88°11'32" WEST, ALONG AND COINCIDENT WITH THE COMMON LINE OF SAID 10.010 ACRE TRACT, AND A CALLED 39.98 ACRE TRACT, CONVEYED BY DEED TO DHK FULSHEAR, L.P. AS RECORDED UNDER CLERK'S FILE NO. 2013000442, A DISTANCE OF 445.18 FEET, TO A 1/2 INCH IRON ROD SET AND THE POINT OF CURVATURE;

THENCE ALONG AND COINCIDENT WITH THE ARC OF A CURVE TO THE RIGHT, FOLLOWING A ROUNDABOUT IN FULSHEAR RUN TERRACE, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 27.89 FEET, A CENTRAL ANGLE OF 31°57'39", A CHORD BEARING OF NORTH 51°33'43" WEST, AND A CHORD LENGTH OF 27.53 FEET, TO A SET 1/2 INCH IRON ROD AND THE POINT OF REVERSE CURVE;

THENCE ALONG AND COINCIDENT WITH THE ARC OF A CURVE TO THE LEFT, FOLLOWING A ROUNDABOUT IN FULSHEAR RUN TERRACE, HAVING A RADIUS OF 112.50 FEET, AN ARC LENGTH OF 48.12 FEET, A CENTRAL ANGLE OF 24°30'19", A CHORD BEARING OF NORTH 47°50'03" WEST, AND A CHORD

LENGTH OF 47.75 FEET, TO A SET 1/2 INCH IRON ROD AND THE POINT OF REVERSE CURVE;

THENCE ALONG AND COINCIDENT WITH THE ARC OF A CURVE TO THE RIGHT, FOLLOWING A ROUNDABOUT IN FULSHEAR RUN TERRACE, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 49.19 FEET, A CENTRAL ANGLE OF 56°22'03", A CHORD BEARING OF NORTH 31°54'08" WEST, AND A CHORD LENGTH OF 47.23 FEET, TO A SET 1/2 INCH IRON ROD AND THE POINT OF TANGENCY;

THENCE NORTH 03°43'05" WEST, ALONG AND COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF FULSHEAR RUN TERRACE (80 FOOT WIDE) AND THE HEREIN DESCRIBED TRACT, A DISTANCE OF 471.47 FEET, TO A SET 1/2 INCH IRON ROD AND THE POINT OF CURVATURE;

THENCE ALONG AND COINCIDENT WITH THE ARC OF A CURVE TO THE LEFT, FOLLOWING THE EAST RIGHT-OF-WAY LINE OF FULSHEAR RUN TERRACE, HAVING A RADIUS OF 960.00 FEET, AN ARC LENGTH OF 8.15 FEET, A CENTRAL ANGLE OF 00°29'10", A CHORD BEARING OF NORTH 03°28'30" WEST, AND A CHORD LENGTH OF 8.15 FEET, TO THE POINT OF BEGINNING.
CONTAINING WITHIN THESE CALLS 4.95 ACRES OF LAND, MORE OR LESS.

NOTE: THE COMPANY IS PROHIBITED FROM INSURING THE AREA OR QUANTITY OF THE LAND DESCRIBED HEREIN. ANY STATEMENT IN THE ABOVE LEGAL DESCRIPTION AS TO THE AREA OR QUANTITY OF LAND IS NOT A REPRESENTATION THAT SUCH AREA OR QUANTITY IS CORRECT, BUT IS MADE SOLELY FOR INFORMATIONAL AND/OR IDENTIFICATION PURPOSES AND DOES NOT OVERRIDE THE EXCEPTION CONTAINED IN SCHEDULE B ITEM 2 HEREIN.

