

ORDINANCE NO. 2003-120

AN ORDINANCE OF THE CITY OF ROANOKE, TEXAS, AMENDING ORDINANCE 98-145 EXHIBIT B, SECTION B, 1, (PERMITTED USES ON A PORTION OF TRACT 1) BY ADDING “INDOOR SHOOTING FACILITY WITH RETAIL SALES AND REPAIR OF FIREARMS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING ENGROSSMENT AND ENROLLMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 2, 1996, the City Council of the City of Roanoke passed Ordinance No. 96-116, which rezoned a certain 22.8 acre tract of land in the W.M. Huff Survey Abstract 519, Tract 3, from Agricultural to B-3 (local business – Planned Development);and

WHEREAS, on April 14, 1998, the City Council of the City of Roanoke passed Ordinance No. 98-145, which adopted development standards for the side 22.8 acre tract including standards for and permitted uses in a 9.8 acre tract know as Tract 1; and

WHEREAS, such development standards and permitted uses for said Tract 1 do not permit use of the property as an Indoor Shooting Facility with retail sales and repair of firearms;

WHEREAS, a public hearings were held before the Planning and Zoning Commission and City Council of the City of Roanoke, Texas, after due notice was given in accordance with the Zoning Ordinance of the City, at which hearings all interested persons were offered an opportunity to be heard concerning permitting the Development Standards for said Tract 1 to include an Indoor Shooting Facility; and

WHEREAS, the City Council of the City of Roanoke, Texas, finds that an amendment to the City's Zoning regulations to permit such use would be in the best interest of the health, safety, morals and general welfare.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Roanoke, Texas:

Section 1:

Zoning Ordinance 98-145, The Town Centre at Roanoke, Exhibit B, Section 1. B. 1., Permitted Uses for Tract 1, is hereby amended to permit an Indoor Shooting Facility with retail sales and repair of firearms on a 91.240 square foot tract shown as Site “D” on Exhibit “A” attached hereto.

Section 2: SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 3: ENGROSSMENT AND ENROLLMENT

This ordinance shall be engrossed and enrolled in the Code of Ordinances of the City of Roanoke.

Section 4: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Roanoke, Texas, on this the 23rd day of September, 2003.



ATTEST:

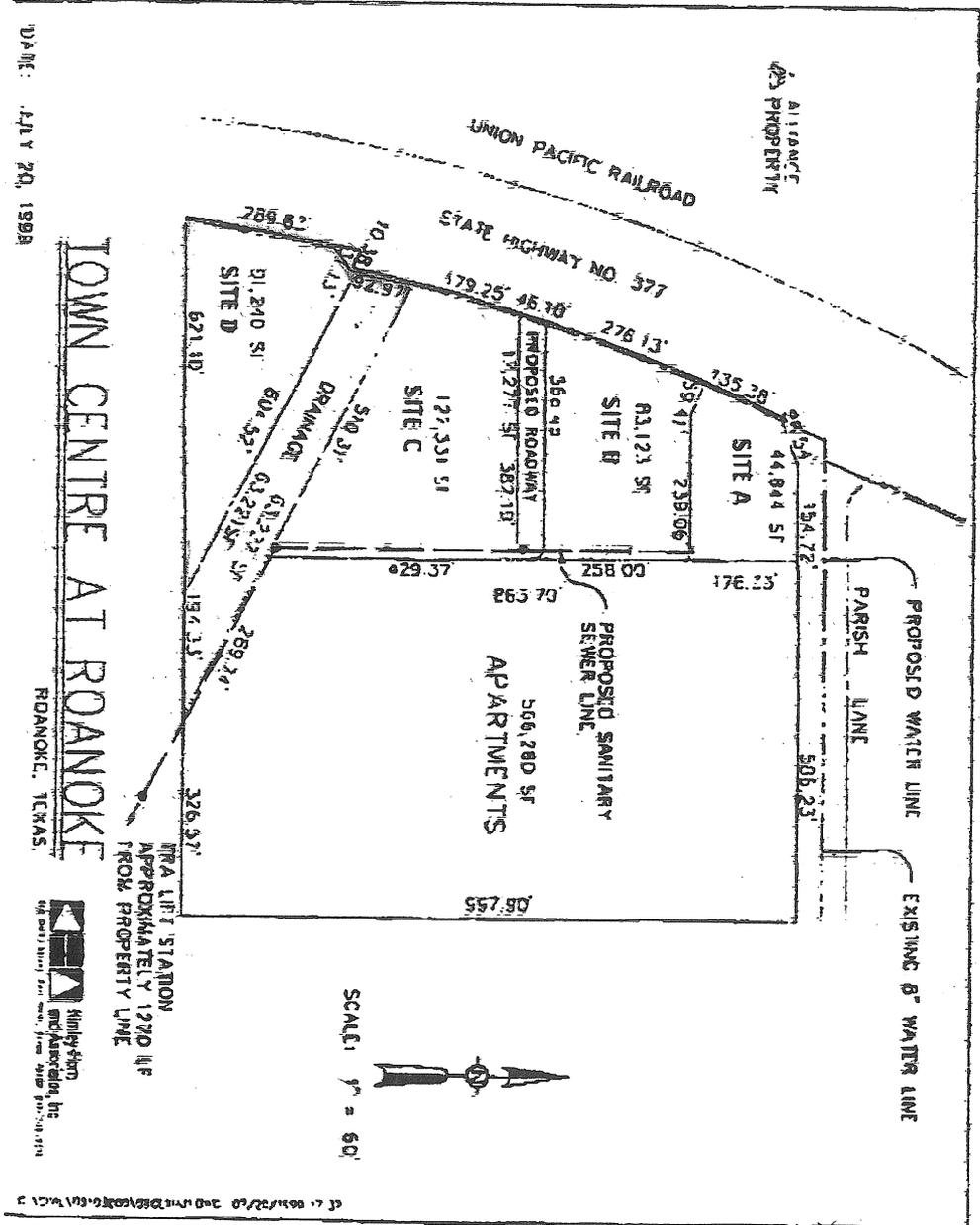
Kelly Edwards
Kelly Edwards, City Secretary

APPROVED:

Randy W. Corn
Randy W. Corn, Mayor

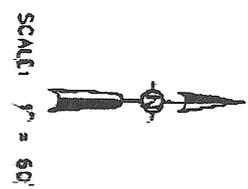
APPROVE AS TO FORM:

Mike McEntire
Mike McEntire, City Attorney



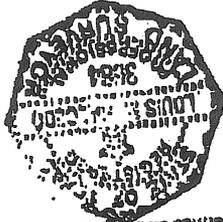
DATE: MAY 20, 1998

TOWN CENTRE AT ROANOKE
ROANOKE, TEXAS



DATE: 05/20/98 2:00 PM DESIGNED BY: W.C.J.

EXHIBIT "A"
PAGE 1



LOUIS H. SASSO, R.F.L.S. 0004
January 31, 2001

[Handwritten signature]

I, Louis H. Sasso, Registered Professional Land Surveyor Number 2804, State of Texas, do hereby certify that the description and the sketch attached hereto were prepared from the public records and from an actual and accurate survey of the property performed on the ground and that the same is true and correct.

THENCE North 27 degrees 21 minutes 44 seconds East, along the southeast line of said drainage easement, a distance of 100.00 feet to the POINT OF BEGINNING and containing 41,344 square feet of 0.949 of an acre of land.

THENCE North 09 degrees 13 minutes 39 seconds West, a distance of 101.50 feet to a 6/8 inch iron rod set for the most easterly corner of said drainage easement and the most westerly 4/8 inch corner of the north described easement.

THENCE South 09 degrees 49 minutes 22 seconds West, along the south line of said TCAR, L.P. tract and the north line of said Hinson/Wilow Bend LTD. tract, a distance of 419.17 feet to a 6/8 inch iron rod set for a corner of the north described easement.

THENCE South 02 degrees 58 minutes 16 seconds East, at a distance of 120.83 feet to a 6/8 inch iron rod found, continuing for a total distance of 419.84 feet to a 6/8 inch iron rod set in the south line of said TCAR, L.P. tract and the north line of a tract of land described in the deed to Hinson/Wilow Bend LTD. recorded in File No. 96-005661 of said Real Property Records.

THENCE South 02 degrees 58 minutes 16 seconds East, at a distance of 120.83 feet to a 6/8 inch iron rod set for the most easterly corner of a 100 foot wide drainage easement described in the deed to the City of Denton recorded in Volume 2848, Page 0308 of said Real Property Records and the most easterly corner of the north described easement.

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No. 7791 P. 2/3
4766 00385

Jan. 31, 2001 3:36PM CARRINGTON COLMAN

Being that portion of the following real property located in that certain real property conveyed by Lutheran Church Excision Fund - Missouri Synod to TCAR, L.P. evidenced by that certain Warranty Deed recorded at File No. 96-0065661 of the Deed Records of Denton County, Texas:

41,344 SQUARE FEET of the William Huff Survey, Abstract No. 818, situated in the City of Denton, Denton County, Texas, embracing a portion of land described in the deed to TCAR, L.P., a Texas Limited Partnership recorded in File No. 96-005661 of the Real Property Records of Denton County, Texas.

BEING a tract of land situated in the William Butte Survey, Abstract No. 819, in Benton County, Texas and being a portion of a called 25.0-acre tract as conveyed to the Lutheran Church on 10th and 11th Streets, Dallas, Texas and evidenced in a Warranty Deed recorded in Volume 106 of Page 555, same and except a called 2.192-acre tract as conveyed to the State of Texas, County of Benton and City of Fort Worth and evidenced in a Judgment, Case Number CV-90-00204-C, recorded in Volume 266 of Page 0300, all of the Deed Records of Benton County, Texas (D.B.C.T.) and being more particularly described by notes and books as follows (beginning based on the North Line of the Deed recorded in Volume 106, Page 555, said bearing being North 89 degrees 46 minutes East) :

COMMENCING at a found 5/8-inch iron rod for the Barbary Purchase corner for the intersection of the generally right-of-way line of D.B. Highway No. 377 (a verifiable right-of-way) with the south right-of-way line of Pariah Lane (as undisturbed POINT OF BEGINNING); a distance of 154.72 feet to a 5/8-inch iron rod set for the

THENCE North 89 degrees 46 minutes 00 seconds East, along the south right-of-way line of said Pariah Lane, a distance of 154.72 feet to a 5/8-inch iron rod set for the POINT OF BEGINNING;

THENCE North 89 degrees 46 minutes 00 seconds East, containing with the south right-of-way of Pariah Lane, a distance of 88.22 feet to a 1/2-inch rod found for the northern corner of the subdivided 25.0 acre tract, same being on the West Line of a 17.517-acre tract as conveyed to the Pariah Family Trust Agreement and evidenced in a Warranty Deed recorded in Volume 278 of Page 0713 D.B.C.T., said tract and being North 89 degrees 46 minutes West, 88.0 feet from a found 1/2-inch square iron rod;

THENCE South 89 degrees 46 minutes 00 seconds West, along the North Line of said Tract 1/2" a distance of 326.43 feet to a 5/8-inch iron rod set for corner;

THENCE North 89 degrees 46 minutes 00 seconds West, a distance of 863.70 feet to the POINT OF BEGINNING and containing 21.800 acres.

Return to:
Chicago Title Insurance Company
Southwest Region Commercial Center
2001 Bryan Street, Suite 1700
Dallas, Texas 75201
214-303-5300

Jan 31, 2001 2:27PM CARRINGTON COLLEMAN
4766 00390
No. 7785 P. 6

EXHIBIT "A"

BEING two tracts of land situated in the William Huff Survey, Abstract No. 519, in Denton County, Texas and being a portion of a called 25.0 acre tract as conveyed to the Lutheran Church Extension Fund - Missouri Synod and evidenced in a Warranty Deed recorded in Volume 1016 at Page 955, save and except a called 2.192-acre tract as conveyed to the State of Texas, County of Denton and City of Fort Worth and evidenced in a judgment case number CV-90-00204-0, recorded in Volume 2498, Page 0308, all of the Deed Records of Denton County, Texas (D.W.D.C.T.) and being more particularly described by meters and bounds as follows (bearings based on the north line of the Deed recorded in Volume 1016, Page 955, said bearing North 89°46' East;

TRACT 1:

BEGINNING at a 5/8 inch iron rod set at the current intersection of the easterly right-of-way line of State Highway No. 377 (a parallel right-of-way) with the south right-of-way line of Parleth Lane (an undedicated right-of-way);

THENCE North 74°49'00" East, along the south right-of-way line of said Parleth Lane, a distance of 88.54 feet to a 5/8-inch iron rod set for an angle point;

THENCE North 89°46'00" East, continuing along said south right-of-way of Parleth Lane, a distance of 740.95 feet (called 740.3) to a 1/2 inch rod found on the west line of a called 17.517 acres as conveyed to the Parleth Family Trust Living Trust Agreement and evidenced in a Warranty Deed recorded in Volume 2278 at Page 0713 D.W.D.C.T., said iron rod being South 22°6' feet from the northwest corner of said 17.517 acre tract, said iron rod also being South 89°38' West 85.0 feet from a found 1/2-inch square iron rod; THENCE South 00°03'51" East (called South), departing the South right-of-way line of said Parleth Lane and along the west line of said 17.517 acre tract, a distance of 997.90 feet to a 1/2-inch iron rod found for the most northerly northeast corner of a called Tract 1 as conveyed to Hillwood/Wilow Bend, Ltd. and evidenced in a Correction D.W.D.C.T.;

THENCE South 89°46'00" West, along the north line of said Tract 1, a distance of 1141.93 feet to a 5/8-inch iron rod set on the easterly right-of-way line of the aforementioned U.S. Highway No. 377;

THENCE in a north direction, along the easterly right-of-way line of said State Highway No. 377, the following: North 10°39'41" East, a distance of 216.84 feet to a 5/8-inch iron rod set at the beginning of a curve to the right; along the arc of said curve to the right, through a central angle of 01°38'07", having a radius of 3199.04 feet and an arc length of 12.70 feet to the end of said curve;

South 62°38'28" East, a distance of 31.13 feet to a 5/8-inch iron rod set at the beginning of a non-tangent curve to the right; along the arc of said curve to the right, having a radial bearing of South 78°11'10" East, through a central angle of 12°48'12", having a radius of 3169.04 feet and an arc length of 108.16 feet to a 5/8-inch iron rod set for the end of said curve;

TRACT 11:

BEGINNING at a 1/2-inch iron rod found for the southwest corner of said 35.0-acre tract, same being the northwest corner of said Tract 1, said point also being on the original southeasterly right-of-way line of State Highway No. 377;

THENCE North 24°39'00" East, along the southeasterly right-of-way line at said State Highway No. 377, a distance of 126.01 feet to a 5/8-inch iron rod set at the intersection of said original southeasterly right-of-way line with the current westerly right-of-way line of State Highway No. 377 as set out in the aforementioned judgment;

THENCE South 10°39'41" West, along the current westerly right-of-way line of said State Highway No. 377, a distance of 116.41 feet to a 5/8-inch iron rod set on the north line of said Tract 1;

THENCE South 89°46'00" West, along the north line of said Tract 1, a distance of 31.02 feet to the POINT OF BEGINNING and CONTAINING 0.041 of an acre of land, more or less.