

Ordinance 14002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, CREATING A REZONING FOR A PLANNED UNIT DEVELOPMENT AS DESCRIBED; COTTONWOOD ACRES SUBDIVISION, RIDGEVIEW DRIVE LOTS 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, AND 20; BLUFF VIEW SECTION; BLUFF SECTION, OAK PARK DRIVE, LOTS 14, AND 15; COTTONWOOD ACRES, EVERGREEN SUBDIVISION, 22-25, 27-35 AND 735-742; CASTLE ACRES RE-SUBDIVISION, SOUTH WIRTZ DAM ROAD, LOTS 36, 37, 38, AND 39; BLUFF VIEW SECTION, LOTS 24, 51, 52, 53, 54, 55, 56, 57, 58, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86 AND BWD; AUTHORIZING THE MAYOR AND THE CITY SECRETARY OF THE CITY OF COTTONWOOD SHORES, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, A NEWLY UPDATED OFFICIAL ZONING MAP OF THE CITY OF COTTONWOOD SHORES, TEXAS, REFLECTING SUCH REZONING FOR SUBSEQUENT FILING WITH THE CITY SECRETARY, THE BUILDING OFFICIAL AND THE PLANNING AND ZONING OFFICIAL, IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED IN ORDINANCE 022602 AND ITS SUCCESSORS.

1. History:

1.1. July 5, 2012: Ordinance 14002 adopted, repealing Ordinance 071708-D.

WHEREAS, the City Council of the City of Cottonwood Shores, Texas has previously adopted Ordinance No. 022602 establishing zoning districts and zoning regulations within the City of Cottonwood Shores, Texas; and

WHEREAS, the City Council of the City of Cottonwood Shores, Texas provides that said zoning ordinance may be amended after public hearing, due notice of which shall be given as required by law; and

WHEREAS, the City Council of the City of Cottonwood Shores, Texas held a public hearing on the rezoning of properties as described:

1. Being the surface rights only in and to a 0.153 acre tract of land, more or less, out of the F. Engleking Survey No. 611, Abstract No. 284, in Burnet County, Texas, and being out of Lot No. BWD, Cottonwood Shores, Bluff View Section, a subdivision in Burnet County, as shown on plat recorded in Volume 1, Page 200, Plat Records of Burnet County, Texas;
2. Being all that certain tract of land out of the F. Engleking Survey No. 611, Abstract No. 284, in Burnet County, Texas also being part of Bluff View Section of Cottonwood shores, a subdivision according to the map or plat thereof recorded in Volume 1, Page 200, Plat Records of Burnet County, Texas;
3. Lots 52, 57, 68, and 69 Bluff View Section of Cottonwood Shores, a subdivision in Burnet County, Texas;

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4. Lots 22-25 & 31-35, Evergreen, Cottonwood Shores, Burnet County, Texas;
5. Being all of Lot No. Ten (10), Cottonwood Acres Subdivision, a subdivision in Burnet County, Texas, as shown on plat recorded in Volume 3, Page 48, Plat Records of Burnet County, Texas;
6. Being the surface rights only in and to Lot No. Twenty-Eight (28), Evergreen Subdivision on Lake Marble Falls, a subdivision in Burnet County, Texas, as shown on plat recorded in Volume 4, Page 51, Plat Records of Burnet County, Texas;
7. Being the surface rights only in and to Lot No. Twenty-Seven (27), Evergreen Subdivision on Lake Marble Falls, a subdivision in Burnet County, Texas, as shown on plat recorded in Volume 4, Page 51, Plat Records of Burnet County, Texas;
8. Being all Lot No. Nine (9), Cottonwood Acres Subdivision, a subdivision of Burnet County, Texas, as shown on plat recorded in volume 3, Page 48, Plat Records of Burnet County, Texas;
9. Being the surface rights only in and to Lots Nos. 73 and BWD, Cottonwood Shores, Bluff View Section, a subdivision in Burnet County, Texas, as shown on plat recorded in Volume 1, Page 200, Plat records of Burnet County, Texas SAVE AND EXCEPT THEREFROM: a 0.153 acre tract of land, more or less, out of the F. Engleking Survey No. 611 in Burnet County, Texas, and being out of lot BWD, Cottonwood Shores, Bluff View Section, a subdivision in Burnet County, Texas, as shown on plat recorded in Volume 1, Page 200, Plat records of Burnet County, Texas;
10. Lots 3, 4, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, and 20, COTTONWOOD ACRES, a subdivision in Burnet County, Texas, as shown on plat recorded in volume 3, Page 48, Plat Records of Burnet County, Texas;
11. Being the surface rights only in and to Lot nos. Seventy-four (74), Seventy-five (75), Seventy-six (76), Seventy-seven (77), Seventy-eight (78), and Seventy-eight A (78A), Bluff View Section, Cottonwood Shores, a subdivision in Burnet county, Texas, as shown on plat recorded in Volume 1, Page 200, Plat Records of Burnet County, Texas;
12. Being all of Lot No. fourteen (14), Fifteen (15), Fifty-two (52), Fifty-seven (57), Sixty-eight (68), Sixty-nine (69), Seventy (70), Seventy-one (71), and Seventy-two (72), Bluff View Section of Cottonwood Shores, a subdivision in Burnet County, Texas as shown on plat recorded in volume 1, Page 200, Plat Records of Burnet County, Texas;
13. Being an approximate 5.131 acre tract out of the F. Engleking, Abstract No. 284, in Burnet County, Texas;
14. Being an approximate .004 acre tract out of the F. Engleking, Abstract No. 284, in Burnet County, Texas;
15. Being the surface rights only in and to Lot 24, COTTONWOOD SHORES, Bluff View Section, a subdivision in Burnet County, Texas, as shown on plat recorded in Volume 1, Page 200, Plat Records of Burnet County, Texas;

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16. Being the surface right only in and to Lots Twenty-nine (29) and Thirty (30) in EVERGREEN SUBDIVISION ON LAKE MARBLE FALLS, a subdivision in Burnet County, Texas according to plat recorded in Plat Cabinet 1, Slide 128-D, Burnet County Plat Records;
17. Being the surface rights only in and to Lots 53, 54, 55 and 56, COTTONWOOD SHORES, BLUFF VIEW SECTION, a subdivision in Burnet County, Texas, According to the map or plat thereof in Volume 1, Page 200, Plat Records of Burnet County, Texas;
18. Being the surface rights only in and to Lot Nos. 79, 80, 81, 82, 83, 84, 85 and 86, Cottonwood Shores, Bluff View Section, a subdivision of Burnet County, Texas, as shown on plat recorded in Volume 1, Page 200, Plat Records of Burnet County, Texas;
19. Being the surface rights only in and to Lots Eleven (11), Twelve (12) and Thirteen (13), Cottonwood Shores, Bluff View Section, a subdivision in Burnet County, Texas, as shown on plat recorded in volume 1, Page 200, Plat Records of Burnet County, Texas;
20. Being the surface rights only in and to Lot Nos. Twenty-two (22), Twenty-three (23), Twenty-four (24), and Thirty-five (35), Evergreen Subdivision on Lake Marble Falls, a subdivision in Burnet County, Texas as shown on plat recorded in Volume 4, Page 51, Plat Records of Burnet County, Texas;
21. Being the surface rights only in and to Lot Nos. Twenty-five (25), Thirty-one (31), Thirty-two (32), Thirty-three (33) and Thirty-four (34), Evergreen Subdivision on Lake Marble Falls, a subdivision in Burnet County, Texas as shown on plat recorded in Volume 4, Page 51, Plat Records of Burnet County, Texas;
22. Lots 735, 736, 737, 738, 739, 740, 741, 742, 743, Cottonwood Shores, Scarlet Oaks Section, Burnet County, Texas;
23. Being the surface rights only in and to Lot Nos. Fifty-one (51) and Fifty-eight (58), Cottonwood Shores, Bluff View Section, a subdivision in Burnet County, Texas, as shown on plat recorded in Volume 1, Page 200, Plat Records of Burnet County, Texas;
24. Being all of Lot thirty-six (36) and South Ten Feet of Thirty-seven (S 10' of 37) in CASTLE ACRES SUBDIVISION, a subdivision in Burnet County, Texas, according to the plat recorded in Plat Cabinet 1, Slide 8-D, Plat Records of Burnet County, Texas, SAVE AN EXCEPT that 0.047 acre, more or less, out of Lots 36 & 37 conveyed by C.T. Hedges to Burnet County, Texas, in deed dated April 5, 1961 and recorded in volume 132, Page 274, Deed Records, Burnet County, Texas;
25. Castle Acres Lot 37-39, Save and except those portions conveyed out in Vol. 132, page 280, volume 132, page 274 and volume 1357, page 687, Burnet County, Texas; and

WHEREAS, due and proper notice of said public hearing on the rezoning of the Properties was given in accordance with the requirements of law and any and all persons desiring to speak at said public hearing concerning the rezoning were afforded an opportunity to do so; and

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WHEREAS, the City Council of the City of Cottonwood Shores, Texas finds that the rezoning of the properties is consistent with the current use of the property with the development plans of the adjoining property owners; and

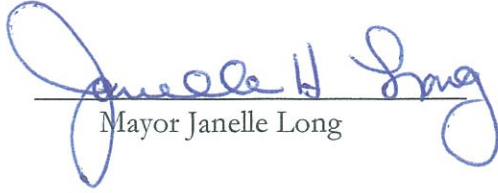
WHEREAS, the City Council of the City of Cottonwood Shores, Texas finds that all of the requirements of state law related to the rezoning of the property have been satisfied and that such rezoning is proper and appropriate.

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

2. **That** the recitals set forth above are found to be true and correct and are hereby adopted as the finding of fact of the City Council of the City of Cottonwood Shores, Texas.
3. **That** the Properties described is hereby rezoned to a Planned Urban Development and to the extent necessary, Ordinance No. 022602 is hereby amended to effectuate such rezoning.
4. **That** the Mayor and City Secretary of the City of Cottonwood Shores, Texas are hereby authorized to execute and attest, respectively , an addendum to the Official Zoning Map of the City of Cottonwood Shores, Texas dated as of September 21, 2006, to record the rezoning of the properties and to file such map and addendum with the City Secretary, the City Building Official and the Planning and Zoning Official of the City of Cottonwood Shores, Texas in accordance with the Rules and Regulations promulgated in Ordinance 022602 and its predecessors.
5. **That** if any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.
6. **That** the City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.
7. **That** this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND APPROVED by the City Council of Cottonwood Shores, Texas, at a meeting on the 5th day of July, 2012 with 5 votes in favor, 0 votes against and 0 abstentions.

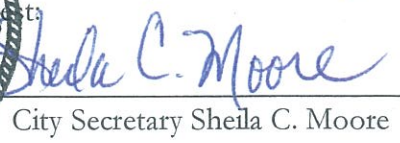
City of Cottonwood Shores



Mayor Janelle Long



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City Secretary Sheila C. Moore

