

ORDINANCE NO. 2008-135

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, ESTABLISHING A SPECIAL SIGN DISTRICT WITHIN THE RAYZOR RANCH OVERLAY ZONING DISTRICT CONTAINING APPROXIMATELY 410 ACRES LOCATED GENERALLY ON BOTH SIDES OF U.S. HIGHWAY 380 (WEST UNIVERSITY DRIVE), BETWEEN INTERSTATE HIGHWAY 35 AND BONNIE BRAE STREET; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF, PROVING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (SD07-0001)

WHEREAS, Allegiance Development has applied for a Special Sign District within the Rayzor Ranch Overlay District, and consents to the listed conditions; and

WHEREAS, on June 11, 2008, the Planning and Zoning Commission, after a public hearing, recommended approval of the Special Sign District; and

WHEREAS, the City Council finds the Special Sign District meets the criteria of §35.15.18.4 of the Denton Development Code and will help to assure that signs within the Special Sign District will be comprehensively planned in a manner that is clearly superior to what would be allowed without the plan, and compatible with surrounding properties, and is in the public interest; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The Special Sign District is hereby approved on the property legally described in Exhibit A, attached hereto and incorporated herein for all purposes (the "Property"), subject to the following conditions:

1. The Special Sign District shall provide for the removal and relocation of existing legally nonconforming off-premises billboards as set forth in Exhibit B, attached hereto and incorporated herein by reference, in a manner that fully satisfies the requirements of §35.15.18.8 of the Denton Development Code, resulting in a net reduction of one off-premises sign structure and two off-premises sign faces, with no increase in the area of any sign face.
2. A sign plan for signs within the Special Sign District, meeting all criteria of §35.15.18.4 will be submitted for approval by ordinance at a later date. Upon approval, the sign plan will apply to all signs located in the Special Sign District, and shall supersede the regulations of Subchapter 15 of the Denton Development Code to the limited extent noted.
3. Pending satisfaction of conditions 1 and 2 above, all regulations of Subchapter 15 of the Denton Development Code shall apply in full.
4. Upon the failure or invalidation of conditions 1 or 2, all regulations of Subchapter 15 of the Denton Development Code shall apply in full, even if previously superseded by these conditions.

SECTION 2. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

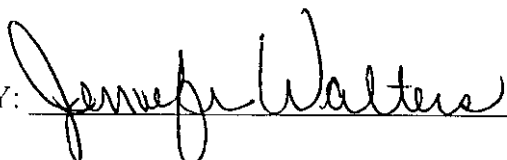
SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

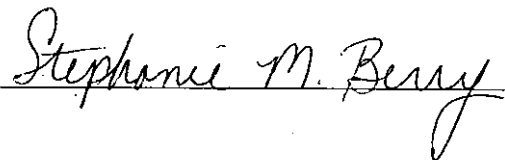
PASSED AND APPROVED this the 17<sup>th</sup> day of June, 2008.

  
PERRY R. McNEILL, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:  
EDWIN M. SNYDER, CITY ATTORNEY

BY: 

**METES AND BOUNDS, PART ONE AND PART TWO  
410.28 ACRES (TOTAL)  
FRANCIS BATSON SURVEY, ABSTRACT NO. 43  
B.B.B. & C.R.R. COMPANY SURVEY, ABSTRACT NO. 192  
CITY OF DENTON, DENTON COUNTY, TEXAS**

**PART ONE**

**BEING** a tract of land situated in the Francis Batson Survey, Abstract No. 43, in the City of Denton, Denton County, Texas, being all of a called 121.4759 acre tract (description of Shephard Hall Tract, Tract 2), described in deed to Denton Hillview, L.P., recorded in Denton County Clerk's File No. 2005-127450 of the Real Property Records of Denton County, Texas, all of a called 0.2254 acre tract (Tract 1), a called 2.1017 acre tract (Tract 2) and a called 2.2200 acre tract (Tract 3) described in deed to Quantum at Denton Self Storage, L.P., recorded in Volume 5021, Page 01847 of the Real Property Records of Denton County, Texas, part of a called 18.269 acre tract, described in deed to Denton Property Joint Venture, recorded in Denton County Clerk's File No. 00-R0101370 of the Real Property Records of Denton County, Texas, all of a called 2.999 acre tract, described in deed to De Hall Properties, Ltd., recorded in Denton County Clerk's File No. 2005-40231 of the Real Property Records of Denton County, Texas, being part of a called 8.9217 acre tract of land described in Deed to Mesquite Creek Development, Inc., recorded in Volume 4562, Page 0683 of the Real Property Records of Denton County, Texas, and all of Lot 1 of SANDY ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 13, Page 47 and Cabinet J, Slide 348 of the Plat Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron rod found for the north end of a corner clip at the intersection of the north right-of-way line of West University Drive (U.S. Highway No. 380, a 100.20 foot wide public right-of-way) and the west right-of-way line of Bonnie Brae Street (a variable width public right-of-way) for the most easterly southeast corner of the beforementioned Lot 1 of SANDY ADDITION;

**THENCE** with the corner clip, South 45°48'44" West, a distance of 90.93 feet to a 3/4-inch iron rod found for corner;

**THENCE** with the north right-of-way line of West University Drive, the following courses and distances to wit:

- North 89°07'28" West, a distance of 773.40 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- North 88°56'28" West, a distance of 1761.77 feet to a 1/2-inch iron rod found for the southeast corner of the called 8.9217 acre tract;

**THENCE** leaving the north right-of-way line of West University Drive with the east line of the 8.9217 acre tract, North 00°23'40" East, a distance of 276.40 feet to a point for corner;

**THENCE** crossing the called 8.9217 acre tract, the following courses and distances to wit:

- North 89°10'52" West, a distance of 227.61 feet to a point for corner;
- North 00°59'35" East, a distance of 80.89 feet to a point for corner;
- North 89°00'25" West, a distance of 290.00 feet to a point for corner in the east line of Lot 1, Block A of PORTER/ANDRUS ADDITION, an addition to the City of Denton, Denton County, Texas, according to the Plat thereof recorded in Cabinet O, Slide 45 of the Plat Records of Denton County, Texas;

**THENCE** with the east line of Lot 1, Block A and the east line of Lot 2, Block A of PORTER/ANDRUS ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet V, Slide 856 of the Plat Records of Denton County, Texas, North 00°59'47" West, a distance of 217.71 feet to a 5/8-inch iron rod with "KHA" cap set for the northeast corner of Lot 2, Block A;

**THENCE** with the north and west lines of Lot 2, Block A, the following courses and distances to wit:

- North 88°42'36" West, a distance of 400.01 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- South 01°28'09" West, a distance of 28.89 feet to a 5/8-inch iron rod with "KHA" cap set for the northeast corner of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet I, Slide 148 of the Plat Records of Denton County, Texas;

**THENCE** leaving the west line of Lot 2, Block A of PORTER/ANDRUS ADDITION with the north line of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION, North 88°31'28" West, a distance of 399.39 feet to a 5/8-inch iron rod with "KHA" cap set in the northeasterly right-of-way line Interstate Highway No. 35 (a variable width public right-of-way) for the most northerly northwest corner of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION;

**THENCE** leaving the north line of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION with the northeasterly right-of-way line Interstate Highway No. 35, North 16°07'54" West, a distance of 632.67 feet to a 5/8-inch iron rod with "KHA" cap set for the southwest corner of Lot 14 of GREENWAY CLUB ESTATES, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 4, Page 27 of the Plat Records of Denton County, Texas;

**THENCE** leaving the northeasterly right-of-way line Interstate Highway No. 35 with the south and east lines of GREENWAY CLUB ESTATES, the following courses and distances to wit:

- North 73°15'13" East, a distance of 518.79 feet to a 5/8-inch iron rod with "KHA" cap set for the beginning of a curve to the right;
- Easterly, with the curve to the right, through a central angle of 16°47'40", having a radius of 345.00 feet, and chord bearing and distance of North 81°39'03" East, 100.76 feet, an arc distance of 101.13 feet to a 5/8-inch iron rod with "KHA" cap set for the end of the curve;
- North 89°58'43" East, a distance of 364.46 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- North 00°57'04" West, a distance of 450.70 feet to a 5/8-inch iron rod with "KHA" cap set for the southwest corner of Lot 1, Block 10 of WESTGATE HEIGHTS, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet E, Slide 78 of the Plat Records of Denton County, Texas;

**THENCE** leaving the east line of GREENWAY CLUB ESTATES with the south and east lines of WESTGATE HEIGHTS, the following courses and distances to wit:

- North 89°32'37" East, a distance of 48.23 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- South 87°34'57" East, a distance of 1042.99 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- North 00°32'57" East, a distance of 318.04 feet to a 5/8-inch iron rod with "KHA" cap set for the most northerly northwest corner of the beforementioned 121.4759 acre tract

**THENCE** leaving the east line of WESTGATE HEIGHTS with the north line of the 121.4759 acre tract, South 89°13'56" East, a distance of 2067.29 feet to a 5/8-inch iron rod with "KHA" cap set in the west right-of-way line of Bonnie Brae Street;

**THENCE** leaving the north line of the 121.4759 acre tract with the west right-of-way line of Bonnie Brae Street, the following courses and distances to wit:

- South 00°37'18" West, a distance of 1455.38 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- South 00°26'45" West, a distance of 568.70 feet to the **POINT OF BEGINNING** and containing 153.37 acres of land.

Bearing system based upon Texas State Plane Coordinate System, using monuments R0610108 AND R0610060.

## PART TWO

**BEING** a tract of land situated in the B.B.B. & C.R.R. Company Survey, Abstract No. 192, in the City of Denton, Denton County, Texas, being part of a called 265.6365 acre tract of land (description of Shephard Hall Tract, Tract 1), described in deed to Denton Hillview, L.P., recorded in Denton County Clerk's File No. 2005-127450 of the Real Property Records of Denton County, Texas, and all of Lot 3 of LOTS 1,2,8,3 PEARCY/CHRISTON ADDITION No. 1, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Slide 34 of the Plat Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8-inch iron rod found in the south right-of-way line of West University Drive (U.S. Highway No. 380, a 100.20 foot wide public right-of-way) for the northerly common corner of Lots 2 and 3 of the beforementioned LOTS 1,2,8,3 PEARCY/CHRISTON ADDITION;

**THENCE** leaving the south right-of-way line of West University Drive with the common line of Lots 2 and 3, South 01°08'26" West, a distance of 600.00 feet to a 5/8-inch iron rod found for the southerly common corner of Lots 2 and 3;

**THENCE** leaving the common line of Lots 2 and 3 with the south lines of Lot 2 and Lot 1-C of LOTS 1-A, 1-B, 1-C PEARCY/CHRISTON ADDITION No. 1, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet L, Slide 188 of the Plat Records of Denton County, Texas, South 89°04'34" East, passing the southeast corner of Lot 1-C at a distance of 711.59 feet and continuing for a total distance of 730.60 feet to a 5/8-inch iron rod found in the west right-of-way line of Bonnie Brae Street (a variable width public right-of-way) for the most easterly northeast corner of the beforementioned 265.6365 acre tract;

**THENCE** with the west right-of-way line of Bonnie Brae Street, the following courses and distances to wit:

- South 00°58'54" West, a distance of 1438.01 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- South 00°48'51" West, a distance of 1175.56 feet to a 5/8-inch iron rod with "KHA" cap set for the beginning of a curve to the right;
- Southwesterly, with the curve to the right, through a central angle of 45°01'58", having a radius of 321.07 feet, and chord bearing and distance of South 23°19'47" West, 245.91 feet, an arc distance of 252.35 feet to a 5/8-inch iron rod found for the beginning of a reverse curve to the left;
- Southwesterly, with the the curve to the left, through a central angle of 57°31'56", having a radius of 392.01 feet, and chord bearing and distance of South 17°04'48" West, 377.30 feet, an arc distance of 393.63 feet to a 5/8-inch iron rod found for the end of the curve;
- South 11°41'10" East, a distance of 10.57 feet to a 5/8-inch iron rod found for the north end of a corner clip at the intersection of the north right-of-way line of Scripture Street (a variable width public right-of-way) and the west right-of-way line of Bonnie Brae Street;

**THENCE** with the corner clip, South 39°33'50" West, a distance of 11.48 feet to a 5/8-inch iron rod found for the south end of the corner clip;

**THENCE** with the north right-of-way line of Scripture Street, North 88°58'00" West, a distance of 1265.16 feet to a 5/8-inch iron rod found in the south line of the 265.6365 acre tract;

**THENCE** leaving the north right-of-way line of Scripture Street, the following courses and distances to wit:

- North 01°02'00" East, a distance of 500.06 feet to a 5/8-inch iron rod found for corner;
- North 88°58'00" West, a distance of 761.56 feet to a 5/8-inch iron rod found for corner;
- South 01°02'00" West, a distance of 500.06 feet to a 5/8-inch iron rod found in the north right-of-way line of Scripture Street;

**THENCE** with the north right-of-way line of Scripture Street, the following courses and distances to wit:

- North 88°58'00" West, a distance of 318.44 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- North 88°48'26" West, a distance of 41.73 feet to a 5/8-inch iron rod found in the northeasterly right-of-way line Interstate Highway No. 35 (a variable width public right-of-way) and the north right-of-way line of Scripture Street for the most southerly southwest corner of the 256.6365 acre tract;

**THENCE** with the northeasterly right-of-way line Interstate Highway No. 35, the following courses and distances to wit:

- North 15°50'30" West, a distance of 38.32 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- North 16°24'00" West, a distance of 3494.36 feet to a 5/8-inch iron rod found for corner;
- North 14°50'06" East, a distance of 171.01 feet to a 3-inch brass disk in concrete found for corner;
- North 46°04'12" East, a distance of 303.95 feet to a 5/8-inch iron rod found for corner;
- North 60°32'22" East, a distance of 114.22 feet to a 5/8-inch iron rod found for corner;
- North 00°58'25" East, a distance of 13.09 feet to a concrete monument found in the south right-of-way line of West University Drive;

**THENCE** leaving the northeasterly right-of-way line Interstate Highway No. 35 with the south right-of-way line of West University Drive, the following courses and distances to wit:

- South 88°56'28" East, a distance of 2440.06 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- South 89°01'07" East, a distance of 117.72 feet to the **POINT OF BEGINNING** and containing 256.91 acres of land.

Bearing system based upon Texas State Plane Coordinate System, using monuments R0610108 AND R0610060.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



