

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3886 OF THE CITY OF DEER PARK, TEXAS, ADOPTED MARCH 21, 2017, AS AMENDED BY TAKING 52,697 SQUARE FEET OF LAND BEING RESERVE B8-1, BLOCK 1, PALM TERRACE ALSO KNOWN AS 202 E 13TH SUITE B, CITY OF DEER PARK HARRIS COUNTY, TEXAS OUT OF THE COMMUNITY SERVICE (CS) ZONING DISTRICT AND PLACING IT IN THE OFFICE PROFESSIONAL (OP) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES BY A FINE UP TO \$2,000.00 FOR EACH DAYS VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AS AMENDED; AND DECLARING AN EMERGENCY.

WHEREAS, a proposal has been made to amend Ordinance 3886 of the City of Deer Park, Texas, adopted March 21, 2017, as amended, by taking 52,697 square feet of land being Reserve B8-1, Block 1, Palm Terrace also known as 202 E 13th Street Suite B, Deer Park, Texas, out of the Community Service (CS) Zoning District and placing the same in the Office Professional (OP) Zoning District under said Zoning Ordinance, and making the same subject to the rules and regulations now imposed by law in said District; and

WHEREAS, the City Council of the City of Deer Park, Texas, has received recommendations from the Planning and Zoning Commission of said City, recommending that such change **BE** made; and

WHEREAS, notice was duly and regularly given of the time and place of a Joint Public Hearing on said proposal as required by said Zoning Ordinance of the City of Deer Park, Texas and by the Statutes of the State of Texas; and, therefore, at the time and place set out in said Notice, all evidence for and against said proposal, and all persons desiring to be heard on said proposal were heard; and

WHEREAS, the City Council of the City of Deer Park, Texas finds that the general comprehensive zoning plan of the City of Deer Park, Texas, as a whole, and the health, safety, morals, convenience, comfort and general welfare of said City, taking into consideration, among other things, the character of the districts affected and their peculiar suitability for the particular purposes permitted therein, would be best subserved for said city, as a whole, under said Ordinance, as herein amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

1. That Ordinance 3886 of the City of Deer Park, Texas, adopted March 21, 2017, **BE** amended by taking out of the Community Service (CS) Zoning District and placing in the Office Professional (OP) Zoning District 52,697 square feet of land being Reserve B8-1, Block 1, Palm Terrace also known as 202 E 13th Suite B, Deer Park, Harris County, Texas, as more specifically described in the attached Exhibit "A";

2. In the event any 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 any court of competent jurisdiction, the same shall not affect, impair or invalidate the remaining portions of this Ordinance, or said Ordinance No. 3886, as amended, as a whole, or any part or provision thereof.

3. Any person or corporation who shall violate any of the provisions of this Ordinance or of said Ordinance No. 3886, as amended, and as amended hereby, or fails to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, or who shall occupy or use any land authorized by the certificate of occupancy applicable to such land or building, shall be guilty of a misdemeanor and shall be liable to a fine not more than \$2,000.00, and each day such violation shall be permitted to exist shall constitute a separate offense.

4. The owner or owners of any building or premises, or part hereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense, and upon conviction thereof shall be fined as herein provided.

5. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Government Code of the State of Texas.

6. The City Council finds that this Ordinance relates to the immediate preservation of the public peace, health, safety and welfare, so as to relieve congestion in the city, to prevent overcrowding, assure adequate health and protection for the remainder of the city, to provide for proper parking of automobiles, and to insure proper fire and police protection, thereby creating an emergency, for which the Charter requirement providing for the reading of ordinances on three (3) several days should be dispensed with, and this Ordinance be passed finally on its introduction; and, accordingly, such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2019 **by a vote of** _____ **“Ayes” and** _____ **“Noes”**.

MAYOR, City of Deer Park, Texas

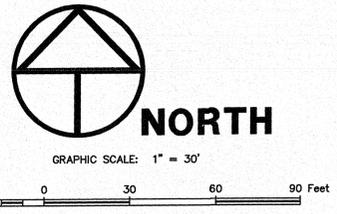
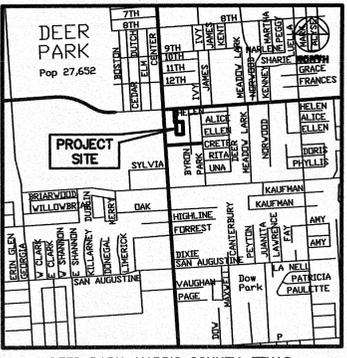
ATTEST:

City Secretary

APPROVED:

City Attorney

202 E 13th



DESCRIPTION

A TRACT OR PARCEL CONTAINING 1.210 ACRES OR 52,697 SQUARE FEET OF LAND BEING OUT OF THE REMAINDER OF A CALLED 5.2167 ACRE TRACT CONVEYED TO W. D. LAWHER AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. H894583 AND BEING OUT OF RESERVE "B" BLOCK 1 OF THE PALM TERRACE ADDITION, AS RECORDED UNDER VOL. 72, PG. 47, H.C.M.R. OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.) SITUATED IN THE G.M. PATRICK SURVEY, ABSTRACT NO. 624, HARRIS COUNTY, TEXAS, WITH SAID 1.210 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF SAID THIRTEENTH STREET AND THE NORTHWEST CORNER OF SAID PALM TERRACE ADDITION; FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS FOR REFERENCE NORTH 73 DEG. 14 MIN. WEST, 0.79 FEET;

THENCE, SOUTH 87 DEG. 00 MIN. 05 SEC. WEST, ALONG THE SOUTH R.O.W. LINE OF SAID EAST THIRTEENTH STREET, A DISTANCE OF 156.00 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHEAST CORNER OF SAID 1.0782 ACRE TRACT AND THE WEST LINE OF A CALLED 1.0782 ACRE TRACT CONVEYED TO MAGNUM ENTERPRISES INC., AS RECORDED UNDER 20140098542 AND FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD STAMPED "RPLS 410" FOUND BEARS FOR REFERENCE SOUTH 85 DEG. 18 MIN. WEST, 0.51 FEET;

THENCE, SOUTH 02 DEG. 59 MIN. 55 SEC. EAST, ALONG THE WEST LINE OF SAID 0.4653 ACRE TRACT AND THE WEST LINE OF A CALLED 1.0782 ACRE TRACT CONVEYED TO MAGNUM ENTERPRISES INC., AS RECORDED UNDER H.C.C.F. NO. 2014011494, A DISTANCE OF 256.00 FEET, TO A CAPPED 5/8 INCH IRON ROD FOUND FOR A SOUTHWEST CORNER OF SAID 1.0782 ACRE TRACT AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 30 DEG. 01 MIN. 46 SEC. EAST, ALONG THE SOUTHWEST LINE OF SAID 1.0782 ACRE TRACT, A DISTANCE OF 55.01 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A SOUTHWEST CORNER OF SAID 1.0782 ACRE TRACT AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS FOR REFERENCE SOUTH 71 DEG. 41 MIN. WEST, 0.45 FEET;

THENCE, NORTH 87 DEG. 00 MIN. 05 SEC. EAST, ALONG THE SOUTH LINE OF SAID 1.0782 ACRE TRACT, A DISTANCE OF 131.00 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE WEST LINE OF LOT 8, BLOCK 1 OF SAID PALM TERRACE ADDITION AND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEG. 59 MIN. 55 SEC. EAST, ALONG THE WEST LINE OF LOTS 4-8, BLOCK 1 OF SAID PALM TERRACE ADDITION, A DISTANCE OF 285.00 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHEAST CORNER OF SAID 1.4176 ACRE TRACT CONVEYED TO SHRI NEELVARNI CORP., AS RECORDED UNDER H.C.C.F. NO. RP-2017-426016 AND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DEG. 00 MIN. 05 SEC. WEST, ALONG THE NORTH LINE OF SAID 2.0018 ACRE TRACT, A DISTANCE OF 156.00 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST CORNER OF SAID 1.4176 ACRE TRACT CONVEYED TO SHRI NEELVARNI CORP., AS RECORDED UNDER H.C.C.F. NO. RP-2017-426016 AND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEG. 59 MIN. 55 SEC. WEST, ALONG THE EAST LINE OF SAID 1.4176 ACRE TRACT, A DISTANCE OF 285.00 FEET, TO A CAPPED 5/8 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 1.4176 ACRE TRACT AND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DEG. 00 MIN. 05 SEC. WEST, ALONG THE NORTH LINE OF SAID 1.4176 ACRE TRACT, A DISTANCE OF 25.00 FEET, TO A CAPPED 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF A CALLED 1.011 ACRE TRACT CONVEYED TO DONALDSON'S CORPORATION, AS RECORDED UNDER H.C.C.F. NO. P160917 AND A SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEG. 59 MIN. 55 SEC. WEST, ALONG THE EAST LINE OF SAID 1.011 ACRE TRACT, A DISTANCE OF 305.00 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "ARBOR LEAF 1982" FOUND ON THE SOUTH R.O.W. LINE OF SAID EAST THIRTEENTH STREET AND FOR THE NORTHEAST CORNER OF SAID 1.011 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEG. 00 MIN. 05 SEC. EAST, ALONG THE SOUTH R.O.W. LINE OF SAID EAST THIRTEENTH STREET, A DISTANCE OF 25.00 FEET, TO THE PLACE OF BEGINNING AND CONTAINING 1.210 ACRES OR 52,697 SQUARE FEET OF LAND.

GENERAL NOTES

1. SURVEY DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN TITLE COMMITMENT OF NO. 3022919-04106 OF STEWART TITLE GUARANTY COMPANY, EFFECTIVE DATE OF OCTOBER 1, 2018 AND DATE OF RECORDING 9, 2018, AND IS SUBJECT TO THE LIMITATIONS OF THAT COMMITMENT.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES AND MAY BE BROUGHT TO GRID BY APPLYING THE FOLLOWING SCALE FACTOR: 0.999886414.
3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C0930M REVISED/DATED JANUARY 7, 2017, THE SUBJECT TRACT APPEARS TO LIE WITHIN UNSHADED ZONE "X". THIS DETERMINATION WAS DONE BY GRAPHIC PLOTTING AND IS APPROXIMATE ONLY, AND HAS NOT BEEN FIELD VERIFIED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE LAND SERVICES.
4. DEVELOPMENT OF THIS TRACT IS SUBJECT TO REQUIREMENTS PER CITY OF DEER PARK WHICH STIPULATES SETBACK CONSTRAINTS. PROPOSED USAGE OF THIS TRACT WILL DETERMINE ACTUAL BUILDING SETBACK LINE(S) ALONG ANY ADJOINING STREETS.
5. READILY VISIBLE IMPROVEMENTS AND UTILITIES WERE LOCATED WITH THIS SURVEY. NO SUBSURFACE PROBING, EXCAVATION OR EXPLORATION WAS PERFORMED BY WINDROSE LAND SERVICES.
6. ENVIRONMENTAL AND DRAINAGE ISSUES ARE BEYOND THE SCOPE OF THIS SURVEY.
7. THE SQUARE FOOTAGE TOTALS SHOWN HEREON ARE BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES REFLECTED ON THE SURVEY. IT DOES NOT INCLUDE THE TOLERANCES THAT MAY BE PRESENT DUE TO THE POSITIONAL ACCURACY OF THE BOUNDARY MONUMENTATION.
8. FENCES SHOWN HEREON WITH DIMENSIONAL TIES ARE SHOWN WHERE THEY ARE PHYSICALLY MEASURED. THE FENCE MAY MEANDER BETWEEN MEASURED LOCATIONS.
9. THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN OPINION OF PROFESSIONAL REGARDING THE ACCURACY OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EXPRESSED OR IMPLIED.
10. ACCORDING TO THE HARRIS COUNTY APPRAISAL DISTRICT, THE ADDRESS OF THE SUBJECT TRACT (TAX ID NO. 093490000027) IS 1421 CENTER STREET, DEER PARK, TX 77536.
11. NO ZONING REPORT PROVIDED AT THE TIME OF SURVEY.
12. THERE WERE 0 REGULAR STRIPED PARKING SPACES AND 0 HANDICAPPED STRIPED PARKING SPACES ON THE SUBJECT TRACT AT THE TIME OF SURVEY.
13. THERE WAS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SUBJECT TRACT AT THE TIME OF SURVEY.
14. THERE WAS NO OBSERVED EVIDENCE OF RECENT STREET, SIDEWALK CONSTRUCTION OR REPAIRS ON THE SUBJECT TRACT AT THE TIME OF SURVEY.
15. THERE WERE NO WETLAND AREAS DELINEATED ON THE SUBJECT TRACT AT THE TIME OF SURVEY.

SCHEDULE 'B' NOTES

1. SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION):
VOLUME 72, PAGE 47 OF THE MAP RECORDS OF HARRIS COUNTY TEXAS, IN VOLUME 4043, PG. 272, VOLUME 4288, PAGE 280 AND VOLUME 488, ALL OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS AND UNDER HARRIS COUNTY CLERK'S FILE NO. P190282.
- 10a. UTILITY EASEMENT FIVE (5) FEET IN WIDTH ALONG THE MOST EASTERLY PROPERTY LINE, TOGETHER WITH AN UNOBSTRUCTED AERIAL EASEMENT, ADJOINING THERETO FIVE (5) FEET WIDE FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND UPWARD, AS SHOWN BY THE RECORDED PLAT OF SAID SUBDIVISION. (SHOWN HEREON)
- 10f. UTILITY EASEMENT TEN (10) FEET IN WIDTH ALONG THE MOST NORTHERLY PROPERTY LINE, TOGETHER WITH AN UNOBSTRUCTED AERIAL EASEMENT, ADJOINING THERETO FIVE (5) FEET WIDE FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND UPWARD, AS SHOWN BY THE RECORDED PLAT OF SAID SUBDIVISION. (SHOWN HEREON)
- 10g. ACCESS EASEMENT GRANTED TO DHIRU PATEL, AS SET FORTH AND DEFINED BY INSTRUMENT FILED FOR RECORD UNDER HARRIS COUNTY CLERK'S FILE NO. 2334984, TOGETHER WITH THE TERMS, CONDITIONS AND STIPULATIONS CONTAINED THEREIN. (SHOWN HEREON)
- 10h. BUILDING SET BACK LINE TEN (10) FEET IN WIDTH ALONG THE MOST NORTHERLY PROPERTY LINE, AS SHOWN BY THE RECORDED PLAT OF SAID SUBDIVISION. (SHOWN HEREON)
- 10j. SUBJECT TO THE ZONING ORDINANCES NOW IN FORCE IF THE CITY OF DEER PARK, TEXAS. (OWNER POLICY ONLY)

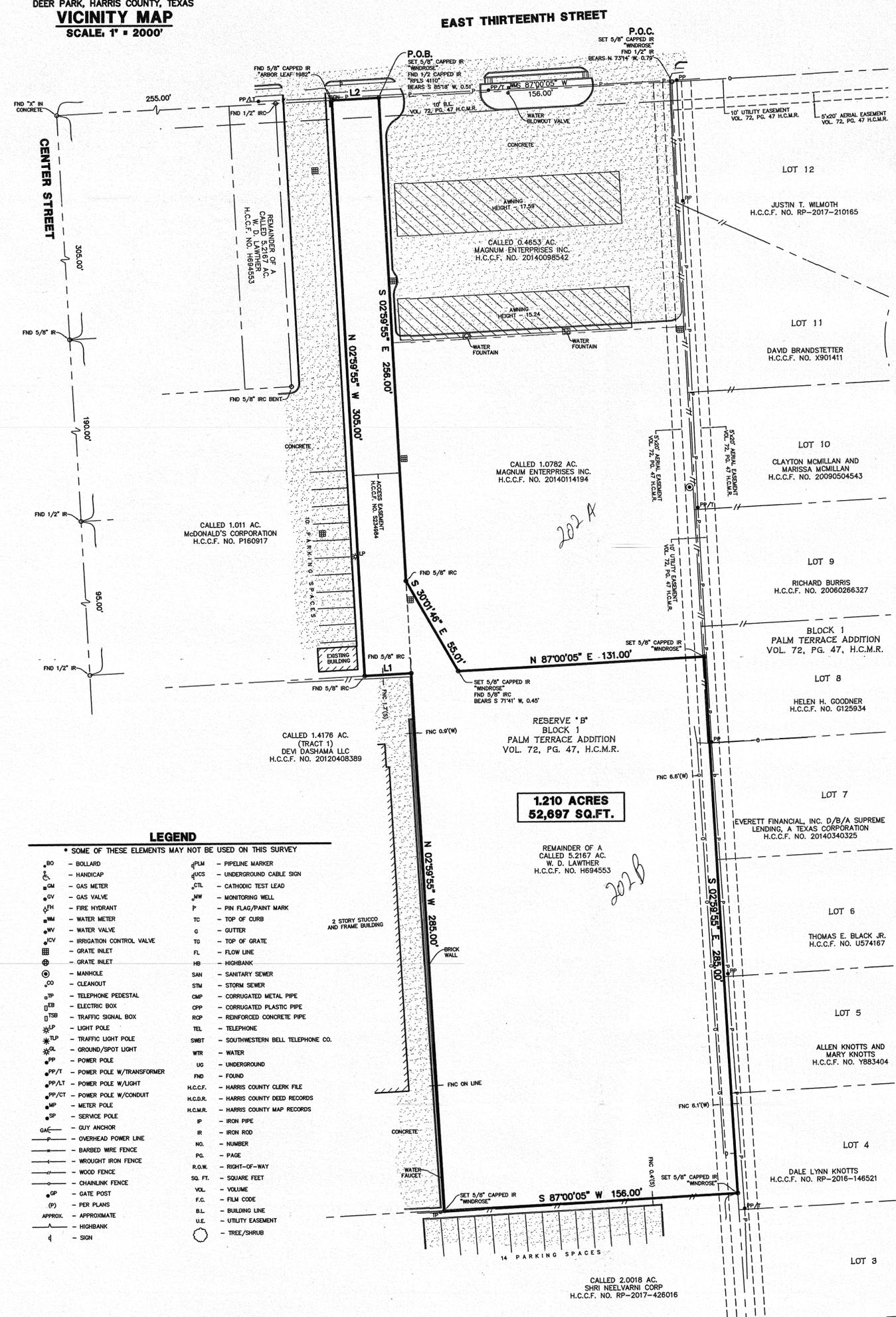
SURVEYOR'S CERTIFICATION

TO: SHELL FEDERAL CREDIT UNION
STEWART TITLE GUARANTY COMPANY

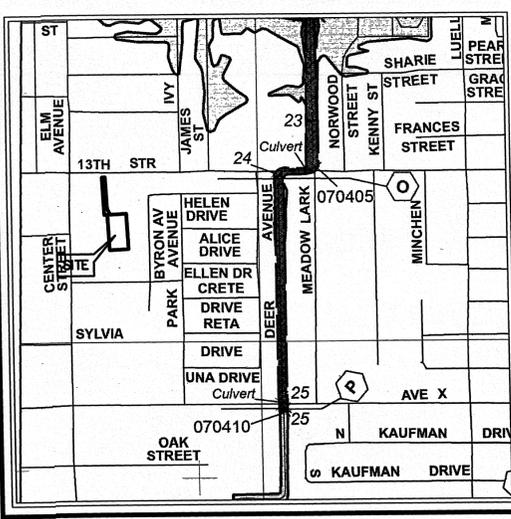
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6a, 7a, 7b1, 7c, 8, 9, 11, 12, 13 & 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 2018.

Paul A. Jurica Jr.
PAUL A. JURICA JR.
Registered Professional Land Surveyor
Texas Registration No. 4264

STATE OF TEXAS
REGISTERED
PAUL A. JURICA JR.
4264
PROFESSIONAL LAND SURVEYOR
10-30-18



FLOOD INFORMATION



PANEL 0930M

FIRM
FLOOD INSURANCE RATE MAP

HARRIS COUNTY, TEXAS AND INCORPORATED AREAS

PANEL 930 OF 1150
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DEER PARK, CITY OF	48201	0930	M
HARRIS COUNTY	48208	0930	M
HOUSTON, CITY OF	48207	0930	M
LA PORT, CITY OF	48207	0930	M

Notes to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications by the subject community.

MAP NUMBER
48201C0930M

MAP REVISED
JANUARY 6, 2017

Federal Emergency Management Agency

PALM TERRACE BOULEVARD

LINE	BEARING	DISTANCE
L1	S 87°00'05" W	25.00'
L2	N 87°00'05" E	25.00'

REVISIONS

DATE	REASON	BY

WINDROSE
LAND SURVEYING & PLATTING

11111 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.458.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

ALTA/NSPS LAND TITLE SURVEY OF
1.210 ACRES/52,697 SQ. FT.
SITUATED IN THE
G.M. PATRICK SURVEY
ABSTRACT NO. 624
DEER PARK, HARRIS COUNTY, TEXAS

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FIELDED BY:	RD	CHECKED BY:	PJ	JOB NO.:	54757
DRAWN BY:	DG/CG	DATE:	10-27-18	SHEET NO.:	1 OF 1