



## ORDINANCE #2021-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SANDY, TEXAS, TO ZONE CERTAIN PROPERTY A B-2 (GENERAL BUSINESS) ZONING CLASSIFICATION; PROVIDING FOR REPEAL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Big Sandy, Texas (the "City"), recognizes that the Comprehensive Zoning Ordinance for the City of Big Sandy, Texas was adopted on April 23, 2014; and

**WHEREAS**, the City acknowledges that the Zoning Map of the City of Big Sandy, Texas was adopted on April 23, 2014 as part of the Comprehensive Zoning Ordinance for the City of Big Sandy, Texas; and

**WHEREAS**, The Big Sandy Municipal Development District petitioned (the "Petition") the City Council of the City of Big Sandy (the "Council") to recommend the approval of the zoning of their Business Park located at 14449 Highway 155 S as General Business ("B-2 Zone").

The legal description of this property is described and drawn on the Plat on the attached Exhibit A. It also identified at Upshur Co. Appraisal as ID #19046 and 62681.

**WHEREAS**, the City Council held a public hearing on November 16, 2021 to consider the petition; and

**WHEREAS**, the City Council heard and considered all statements for and against the petition;

**WHEREAS**, the City Council studied the Petition in relation to existing zoning and land use and the existing potential pattern of development; and

**WHEREAS**, the City Council has determined that the proposed change in zoning is compatible with the existing zoning, land use and potential patterns of development and finds it in the best interest of the benefit of the citizens of Big Sandy to grant the zoning of this property to B-2.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SANDY THAT:**

**Section I. Grant of Rezoning.** The City Council hereby grants the zoning of these parcels and this property to B-2 General Business.

**Section II. Effective date.** This ordinance shall take effect and be in force immediately upon its passage, and the caption and/or a summary shall be published once in a newspaper of general circulation published in the City of Big Sandy, Texas.

**Section III. Findings.** The City Council finds and declares that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required

by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

**Section IV.** Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section V.** The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Passed, approved and adopted by a vote of **5-0-0** as set out below at the City of Big Sandy City Council meeting held on the **16th day of November, 2021** by the following vote:

AYES: Linda Baggett, Becky Desborough, David Fonteno, Christine Jones, Andrew McIver  
NAYS: None  
ABSENT: None

APPROVED:

  
\_\_\_\_\_  
Rex Rozell, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura M. Rex, City Secretary

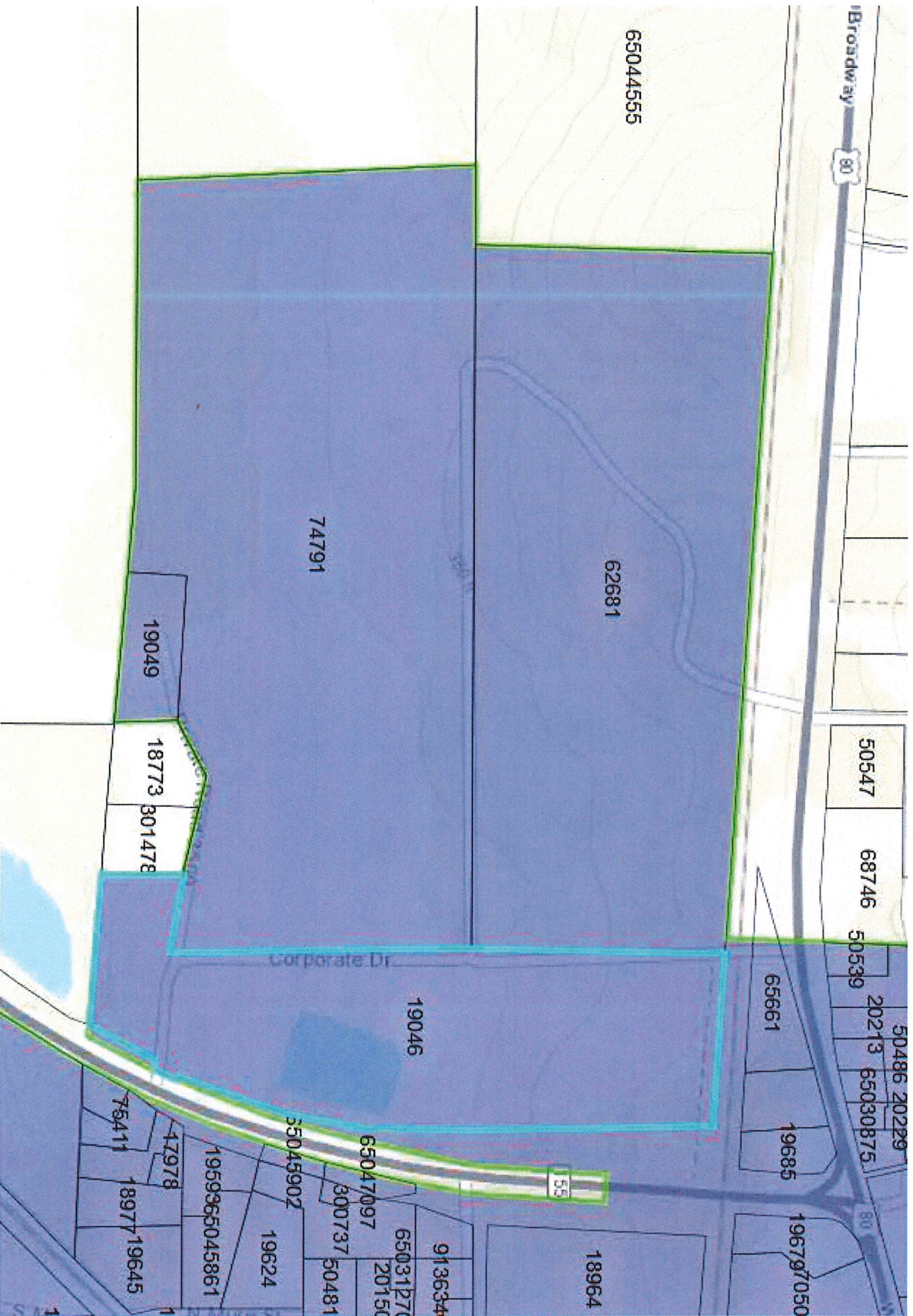


Approved As To Form:

\_\_\_\_\_  
Robert Davis, City Attorney



# Big Sandy Municipal Development District Business Park Parcels #19046 and 62681



000262

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

KNOW ALL MEN BY THESE PRESENTS:

That W. C. Green, as Trustee of the Big Sandy Industrial Foundation Constructive Trust and the City of Big Sandy, Texas, acting by and through its mayor, of the County of Upshur, State of Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to us in hand paid by Big Sandy Community Development Corporation, a Texas non-profit corporation, of 203 East Gilmer Street, Big Sandy, Texas 75755 and in conformity with the Final Judgment of the 115th District Court of Upshur County, Texas, in cause No. 30-00, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said Big Sandy Community Development Corporation, of the County of Upshur, State of Texas, all that certain tract or parcel of land described as follows:

FIRST TRACT: Being a part of the John Carson Survey in Upshur County, Texas, and

BEGINNING at the S.W. corner of the J. M. Edgar 100 acre tract of land;

THENCE W 722 varas along the S. B. line of the original Thomas King 696 acre tract of land to the S.E. corner of the 10.4 acre tract hereinafter described as second tract;

THENCE N 363.5 varas to the Texas & Pacific railway right of way and the N.E. corner of said 10.4 acre tract of land;

THENCE S 86 $\frac{1}{2}$  E 725 varas along the S.B. line of the said railroad right of way to the W.B. line of the J. M. Edgar 100 acre tract of land;

THENCE S 325 varas along the W.B. line of the J. M. Edgar 100 acre tract to the place of beginning, containing 49 $\frac{1}{2}$  acres of land, more or less.

SECOND TRACT: Being a part of the John Carson Survey in Upshur County, Texas, and

BEGINNING at the S.W. corner of the above described 49 $\frac{1}{2}$  acre tract of land;

THENCE W 160 varas along the S.B. line of the original Thomas King 696 acre tract of land to the S.E. corner of the John T. King 89.5 acre tract of land;

THENCE N 373 varas along the E.B. line of said 89.5 acre tract of land to the S.B. line of the Texas and Pacific Railway right of way;

THENCE S 86 $\frac{1}{2}$  degrees E 160.3 varas along said railway right of way line to the W. B. line of the Florence G. Gorman 49 $\frac{1}{2}$  acre tract of land;

THENCE S 363.5 varas along said W. B. line of the 49 $\frac{1}{2}$  acre tract of land to the place of beginning, containing 10.4 acres of land, more or less, and being the same tract of land purchased by Florence G. Gorman in the name of J. M. Gorman by John T. King by warranty deed dated February 21, 1900, filed for record July 8, 1901, and recorded in Vol. 7 on page 159 of the Deed Records of Upshur County, Texas.

And being the Second and Third Tracts of land described in deed from Florence G. Gorman to Roy L. Gorman and wife, Mae Gorman, dated Dec. 10, 1943, filed for record March 16, 1944, and recorded in Volume 154, at page 629, Deed Records of Upshur County, Texas; the Grantee in said deed, Mae Gorman, being one and the same person as Mae Gorman Newman.

This conveyance is made subject to all prior mineral and/or royalty reservations, restrictions and conveyances of record; all restrictions of record; all easements of record; and all easements which are apparent from visual inspection, if any.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Big Sandy Community Development Corporation, its successors and assigns forever and we do hereby bind the grantors, their successors, representatives and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said Big Sandy Community Development Corporation, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through, or under the grantors, but not otherwise.

WITNESS our hands at Gilmer, Texas, this 17<sup>th</sup> day of December, 2002.

*W.C. Green*

W. C. Green, as Trustee of the Big Sandy Industrial Foundation Constructive Trust

CITY OF BIG SANDY

By: *Randa Childers*

its Mayor



ATTEST:

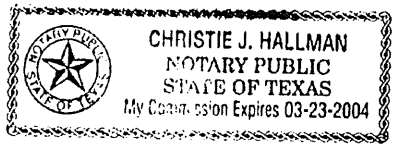
*Christie Hallman*  
Big Sandy City Secretary



THE STATE OF TEXAS §

COUNTY OF UPSHUR §

This instrument was acknowledged before me on the 17<sup>th</sup> day of December, 2002, by W. C. Green as Trustee of the Big Sandy Industrial Foundation Constructive Trust, and in the capacity therein stated.

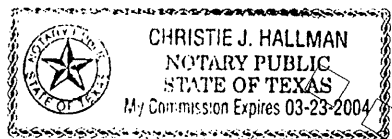


Christie J. Hallman  
Notary Public, State of Texas  
My commission expires: 3-23-2004

THE STATE OF TEXAS §

COUNTY OF UPSHUR §

This instrument was acknowledged before me on the 17<sup>th</sup> day of December, 2002, by Lynda Childress, Mayor of the City of Big Sandy, Texas, and in the capacity therein stated.



Christie J. Hallman  
Notary Public, State of Texas  
My commission expires: 3-23-2004

STATE OF TEXAS COUNTY OF UPSHUR  
I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Upshur County, Texas as stamped hereon by me.  
JAN 10 2003  
ROBIN RODENBERG  
COUNTY CLERK  
UPSHUR COUNTY, TEXAS

FILED  
ROBIN RODENBERG  
COUNTY CLERK  
03 JAN 10 PM 1:49  
UPSHUR COUNTY, TX.  
BY J.C.  
DEPUTY