

CITY OF ROCKWALL

ORDINANCE NO. 07-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-71) PLANNED DEVELOPMENT NO. 71 DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 55.23-ACRES AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a zoning change from (Ag) Agricultural district to (PD-71) Planned Development No. 71 district has been requested by Thomas Jones of Tomden Engineering, Ltd., for a 55.23-acre tract of land more specifically described herein as Exhibit "A"; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code of the City of Rockwall should be amended as follows:

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

Section 1. That the Unified Development Code (Ord. No. 04-38) of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning from (Ag) Agricultural district to (PD-71) Planned Development No. 71 district on a 55.23-acre tract of land more specifically described herein as Exhibit "A"; and

Section 2. That the property described herein shall be used only in the manner and for the purposes provided for in **Article V, Section 4.5, Commercial District** of the Unified Development Code of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions:

Prohibited Uses:

- 1. Gun Club, Skeet or Target Range (Indoor)**
- 2. Night Club, Discoteque, or Dance Hall**
- 3. Pawn Shop**
- 4. Secondhand Dealer**
- 5. Automobile Rental**
- 6. Boat & Trailer Dealership (New and Used)**
- 7. Car Wash, Self Service**
- 8. Motor Vehicle Dealership, New (Cars and Light Trucks)**

- 9. Recreational Vehicle (RV) Sales and Service
- 10. Helipad
- 11. Railroad Yard or Shop
- 12. Mini-warehouse

Section 3. Prior to or concurrently with submittal of a preliminary plat for the subject property, a Planned Development Site Plan shall be required as mandated in the Unified Development Code of the City of Rockwall.

Section 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 7. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

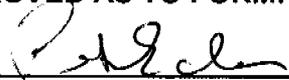
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 18th day of June, 2007.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, TRMC, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney



1st Reading: 06-04-07

2nd Reading: 06-18-07

Exhibit "A"

All that certain lot, tract or parcel of land situated in the G.W. RIDLIN SURVEY, ABSTRACT NO. 183, City of Rockwall, Rockwall County, Texas, and being a part of a 3.56 acres tract of land as described in a Warranty deed from Charles T. Cody to Rockwall Property Corporation, dated August 30, 2000 and being recorded in Volume 1957, Page 54 of the Real Property Records of Rockwall County, Texas, and also being a part of a tract of land as described in a Warranty deed to Rockwall Property Corporation, as recorded in Volume 444, Page 146 of the Real Property Records of Rockwall County, Texas, and also being all of a 0.56 acres tract of land as described in a Warranty deed to Rockwall Property Corporation, as recorded in Volume 4847, Page 295 of the Official Public Records of Rockwall County, Texas, and also being a part of a 32.410 acres tract of land as described in a Deed to Rockwall Property Corporation, as recorded in Volume 2002, Page 150 of the Real Property Records of Rockwall County, Texas, and also being all of a 0.4104 acres tract as described in a Warranty deed to Rockwall Property Corporation, as recorded in Volume 4259, Page 209 of the Official Public Records of Rockwall County, Texas, and also being all of a tract of land as described in a Deed to Rockwall Property Corporation, as recorded in Volume 5001, Page 259 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1" iron pipe found for corner in the South right-of-way line of State Highway 66, at the Northeast corner of said 3.56 acres tract and being at the Northwest corner of Lot 1, ROCKWALL MUNICIPAL AIRPORT ADDITION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet B, Slide 47 of the Plat Records of Rockwall County, Texas;

THENCE S. 08 deg. 39 min. 07 sec. E. along the East line of said 3.56 acres tract and the West line of said Lot 1, a distance of 723.27 feet to a 5/8" iron rod found for corner;

THENCE S. 83 deg. 34 min. 34 sec. W. along the South line of said 3.56 acres tract, a distance of 145.50 feet to a point on building wall for corner;

THENCE N. 06 deg. 44 min. 42 sec. W. a distance of 84.82 feet to an "X" found chiseled in concrete for corner;

THENCE N. 86 deg. 16 min. 20 sec. E. a distance of 64.58 feet to an "X" found chiseled in concrete for corner;

THENCE N. 06 deg. 53 min. 48 sec. W. a distance of 220.00 feet to a 1/2" iron rod found for corner;

THENCE S. 87 deg. 16 min. 30 sec. W. a distance of 310.00 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE S. 06 deg. 53 min. 48 sec. E. a distance of 310.00 feet;

Exhibit "A"

THENCE N. 82 deg. 24 min. 43 sec. E. a distance of 107.96 feet;

THENCE S. 06 deg. 43 min. 35 sec. E. a distance of 412.38 feet;

THENCE N. 89 deg. 11 min. 40 sec. E. a distance of 135.39 feet to a ½" iron rod found in the West line of said Rockwall Municipal Airport Addition;

THENCE S. 06 deg. 03 min. 36 sec. E. a distance of 1108.37 feet to a ½" iron rod found for corner at the Southeast corner of said tract as recorded in Volume 444, Page 146;

THENCE N. 88 deg. 28 min. 24 sec. W. along the South line of said tract, a distance of 571.75 feet to a point in the East line of the 100 year flood plain as defined by flood study;

THENCE along the East line of said 100 year flood plain in a Northwesterly direction as follows:

N. 09 deg. 42 min. 34 sec. W. a distance of 161.77 feet;
N. 36 deg. 05 min. 14 sec. W. a distance of 93.26 feet;
N. 27 deg. 06 min. 58 sec. W. a distance of 115.84 feet;
N. 05 deg. 47 min. 53 sec. E. a distance of 37.66 feet;
N. 42 deg. 32 min. 44 sec. W. a distance of 66.83 feet;
N. 10 deg. 56 min. 20 sec. W. a distance of 88.76 feet;
N. 10 deg. 08 min. 02 sec. W. a distance of 46.33 feet;
N. 05 deg. 58 min. 01 sec. E. a distance of 28.02 feet;
N. 87 deg. 49 min. 14 sec. W. a distance of 28.55 feet;
N. 56 deg. 28 min. 18 sec. W. a distance of 62.92 feet;
N. 79 deg. 08 min. 30 sec. W. a distance of 90.02 feet;
N. 20 deg. 12 min. 29 sec. W. a distance of 44.84 feet;
N. 53 deg. 25 min. 14 sec. E. a distance of 34.88 feet;
N. 11 deg. 42 min. 00 sec. W. a distance of 110.02 feet;
N. 18 deg. 53 min. 53 sec. W. a distance of 88.10 feet;
N. 31 deg. 26 min. 22 sec. W. a distance of 71.66 feet;
N. 02 deg. 46 min. 22 sec. E. a distance of 57.76 feet;
N. 47 deg. 09 min. 35 sec. W. a distance of 72.07 feet;
N. 42 deg. 22 min. 21 sec. W. a distance of 59.42 feet;
N. 25 deg. 10 min. 16 sec. W. a distance of 84.31 feet;
S. 85 deg. 31 min. 46 sec. W. a distance of 53.72 feet;
N. 42 deg. 30 min. 02 sec. W. a distance of 44.81 feet;
N. 47 deg. 50 min. 52 sec. W. a distance of 73.04 feet;
N. 64 deg. 09 min. 54 sec. W. a distance of 66.87 feet;
N. 08 deg. 12 min. 52 sec. W. a distance of 48.89 feet;
N. 16 deg. 19 min. 42 sec. E. a distance of 39.76 feet;
N. 04 deg. 27 min. 31 sec. W. a distance of 60.49 feet;
N. 03 deg. 11 min. 27 sec. W. a distance of 109.33 feet;

Exhibit "A"

N. 16 deg. 55 min. 12 sec. W. a distance of 49.61 feet;
N. 09 deg. 09 min. 20 sec. W. a distance of 55.61 feet;
N. 31 deg. 25 min. 44 sec. W. a distance of 51.80 feet;
N. 25 deg. 06 min. 32 sec. W. a distance of 64.89 feet;
N. 69 deg. 21 min. 55 sec. W. a distance of 57.80 feet to its intersection with the South right-of-way line of a T.P. & L. Company easement as recorded in Volume 126, Page 320 of the Real Estate Records of Rockwall County, Texas;

THENCE S. 60 deg. 32 min. 50 sec. W. along the South line of said easement, a distance of 514.05 feet;

THECNE N. 00 deg. 00 min. 02 sec. W. a distance of 706.93 feet to a 5/8" iron rod found in the South right-of-way line of State Highway 66;

THENCE N. 89 deg. 14 min. 58 sec. E. along the South line of said State Highway 66, a distance of 1148.98 feet to a 1/2" iron rod found for corner;

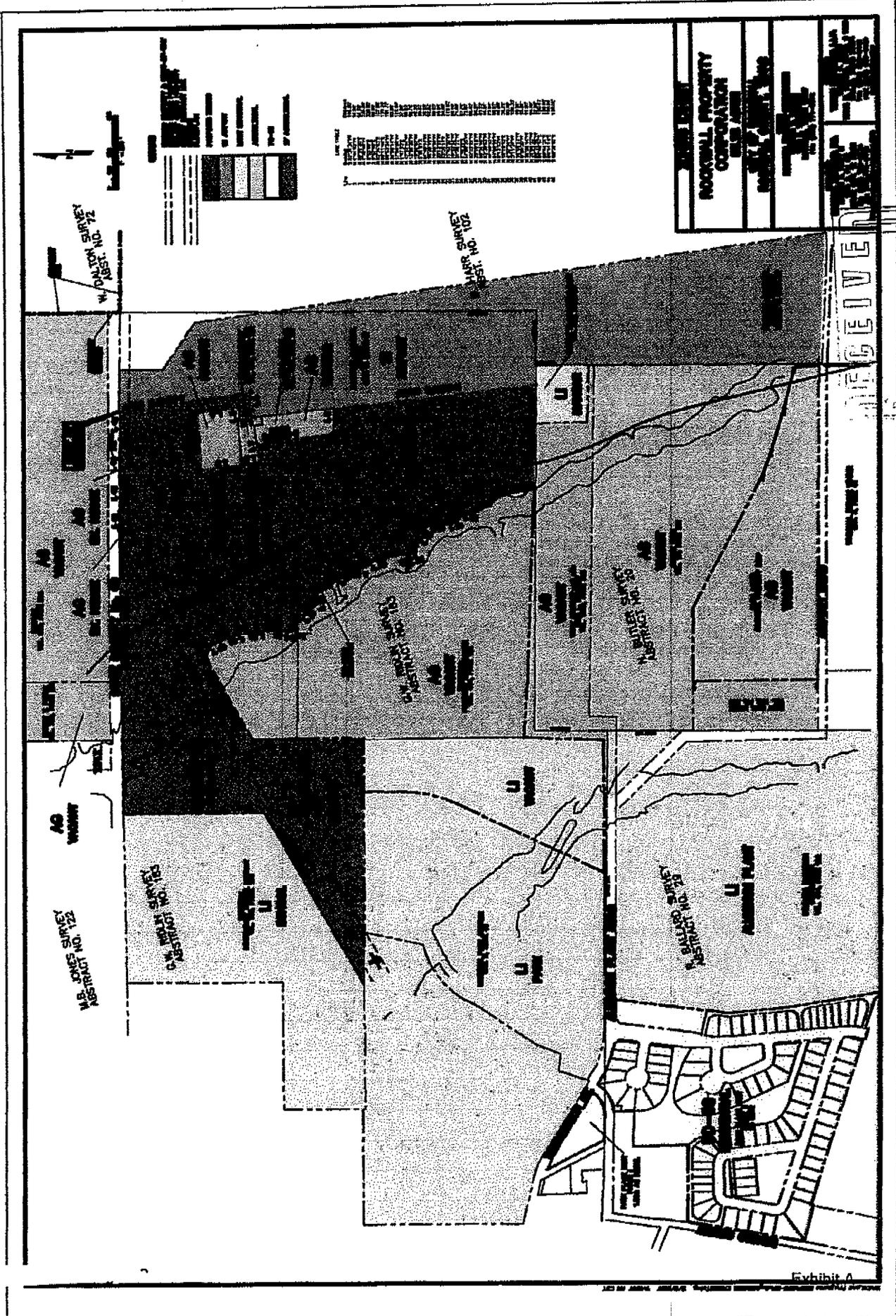
THENCE S. 88 deg. 40 min. 47 sec. E. along said right-of-way line, a distance of 109.42 feet to a 1/2" iron rod found for corner;

THENCE S. 89 deg. 44 min. 32 sec. E. along said right-of-way line, a distance of 189.40 feet to a 1/2" iron rod found for corner;

THENCE S. 89 deg. 44 min. 14 sec. E. along said right-of-way line, a distance of 199.85 feet to a 1/2" iron rod found for corner;

THENCE S. 89 deg. 38 min. 07 sec. E. along said North boundary line and right-of-way line, a distance of 150.00 feet to the POINT OF BEGINNING and containing 55.23 acres of land.

Exhibit "A"



FILE COPY

RECEIVED
 MAR 16 2 2007
 BY 32007 ell

Advertising Receipt

Terrell Tribune
 Rockwall County News
 150 9th Street, P.O. Box 669
 Terrell, TX 75160
 Phone: (972) 563-6476
 Fax: (972) 563-0340

ROCKWALL, CITY OF-LEGALS @
 c/o Dorothy Brooks, City Secretary
 385 SOUTH GOLIAD
 ROCKWALL, TX 75087

Cust#: 01100978-000
Ad#: 05505983
Phone: (972)771-7700
Date: 06/19/07

Ad taker: 11 **Salesperson:** 6 **Classification:** 001

| Description | Start | Stop | Ins. | Cost/Day | Surcharges | Total |
|-------------------------|----------|----------|------|----------|------------|-------|
| 02 ROCKWALL COUNTY NEWS | 06/28/07 | 06/28/07 | 1 | 54.00 | | 54.00 |

Payment Reference:

LG#316244
 Ordinance #07-19
 per Dorothy Brooks

| | |
|------------------|--------------|
| Total: | 54.00 |
| Tax: | 0.00 |
| Net: | 54.00 |
| Prepaid: | 0.00 |
| Total Due | 54.00 |

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the said newspaper meets the requirements of Section 2051.044 of the Texas Government Code to wit:

- 1. it devotes not less than twen (25%) of its total column linea interest items;
- 2. it is published at least once
- 3. it is entered as second-clas in the county where it is publi
- 4. it has been published regula continuously since 1985; and
- 5. it is generally circulated withi County.

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/s/ William R. Cecil, Mayor
/s/ Dorothy Brooks, TRMC, City Secretary
1st Reading: 06-04-07
2nd Reading: 06-18-07

Publisher further deposes the attached notice was publi news paper on the following date(s) to wit:
June 28th A.D. 2007

[Signature]
William Jordan
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME
by William Jordan who
 a) is personally know to me, or
 b) provided the following evidence to establish his/her identity.

on the 29th day of June, A.D. 2007
to certify which witness my hand and seal of office.

[Signature]
Notary Public, State of Texas

