

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE NO. 73-48 OF THE CITY OF ROCKWALL AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED AND AS RELATES TO PD NO 8 SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A MARINA DRY STORAGE AND PARKING AREA IN PD DISTRICT NO. 8 AND IN AN AGRICULTURAL ZONED DISTRICT ON THE FOLLOWING TRACT: BEING A TRACT OF LAND SITUATED IN THE E. TEAL SURVEY, ABSTRACT NO 207, ROCKWALL COUNTY, TEXAS, AND BEING A PART OF THAT 97.79 ACRE, MORE OR LESS, TRACT KNOWN AS MARINA SITE K, PART OF A TRACT OF LAND CONVEYED TO WHILDEN CONSTRUCTION COMPANY BY DEED RECORDED IN VOLUME 44, PAGE 618, DEED RECORDS, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID WHILDEN TRACT AND AT THE SOUTHEAST CORNER OF SAID MARINA SITE K; THENCE: WEST, A DISTANCE OF 98.17 FEET ALONG THE SOUTH LINE OF SAID MARINA SITE K TO A POINT FOR A CORNER; THENCE: TRAVERSING SAID MARINA SITE K AS FOLLOWS: NORTH  $14^{\circ} 35' 26''$  WEST A DISTANCE OF 416.96 FEET TO A POINT FOR A CORNER; NORTH  $1^{\circ} 33' 59''$  WEST A DISTANCE OF 63.76 FEET TO A POINT FOR A CORNER; NORTH  $20^{\circ} 51' 59''$  WEST A DISTANCE OF 123.65 FEET TO A POINT FOR A CORNER; NORTH  $31^{\circ} 30' 08''$  WEST A DISTANCE OF 252.98 FEET TO A POINT FOR A CORNER; NORTH  $38^{\circ} 21' 05''$  WEST A DISTANCE OF 70.00 FEET TO A POINT FOR A CORNER; NORTH  $77^{\circ} 39' 39''$  EAST A DISTANCE OF 65.30 FEET TO A POINT FOR A CORNER; AND NORTH  $3^{\circ} 08' 55''$  EAST, PASSING AT 205.73 FEET THE EAST LINE OF SAID MARINA SITE K AND THE WEST LINE OF SAID WHILDEN TRACT AND CONTINUING A TOTAL DISTANCE OF 251.00 FEET TO A POINT FOR A CORNER; THENCE: TRAVERSING SAID WHILDEN TRACT AS FOLLOWS: SOUTH  $38^{\circ} 21' 05''$  EAST A DISTANCE OF 325.00 FEET TO A POINT FOR A CORNER; AND SOUTH  $54^{\circ} 29' 10''$  WEST A DISTANCE OF 30.17 FEET TO A POINT FOR A CORNER ON THE WEST LINE OF SAID WHILDEN TRACT AND THE EAST LINE OF SAID MARINA SITE K; THENCE: ALONG SAID LINE AS FOLLOWS: SOUTH  $38^{\circ} 21' 05''$  EAST A DISTANCE OF 80.46 FEET TO A POINT FOR A CORNER; AND SOUTH  $58^{\circ} 29' 50''$  WEST A DISTANCE OF 90.00 FEET TO A POINT FOR A CORNER; THENCE: TRAVERSING SAID WHILDEN TRACT AS FOLLOWS: SOUTH  $31^{\circ} 30' 08''$  EAST A DISTANCE OF 109.80 FEET TO A POINT FOR A CORNER; SOUTH  $20^{\circ} 51' 59''$  EAST A DISTANCE OF 156.54 FEET TO A POINT FOR A CORNER; SOUTH  $1^{\circ} 33' 59''$  EAST A DISTANCE OF 70.75 FEET TO A POINT FOR A CORNER; AND SOUTH  $14^{\circ} 35' 26''$  EAST A DISTANCE OF 407.29 FEET TO A POINT FOR A CORNER ON THE SOUTH LINE OF SAID WHILDEN TRACT; THENCE: SOUTH  $41^{\circ} 32' 55''$  WEST A DISTANCE OF 36.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.5488 ACRES OF LAND; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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 due hearings and afforded a full and fair hearing to all property owners generally and to all persons in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Ordinance No. 73-48 of the City of Rockwall and the Comprehensive Zoning Ordinance 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 Ordinance no. 73-48 of the City of Rockwall is hereby amended to add the allowed use of marina dry storage and parking lot as shown on Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to grant a Conditional Use Permit for marina dry storage and parking lot on the following described property:

BEING a tract of land situated in the E. Teal Survey, Abstract No. 207, Rockwall County, Texas, and being a part of that 97.79 acre, more or less, tract known as Marina Site K, as on file with the City of Dallas Department of Parks and Recreation, and also being a part of a tract of land conveyed to Whilden Construction Company by deed recorded in Volume 44, Page 618, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the most Southerly corner of said Whilden tract and at the Southeast corner of said Marina Site K;

THENCE; West, a distance of 98.17 feet along the South line of said Marina Site K to a point for a corner;

THENCE: Traversing said Marina Site K as follows: North  $14^{\circ} 35' 26''$  West a distance of 416.96 feet to a point for a corner; North  $1^{\circ} 33' 59''$  West a distance of 63.76 feet to a point for a corner; North  $20^{\circ} 51' 59''$  West a distance of 123.65 feet to a point for a corner; North  $31^{\circ} 30' 08''$  West a distance of 252.98 feet to a point for a corner; North  $38^{\circ} 21' 05''$  West a distance of 70.00 feet to a point for a corner; North  $77^{\circ} 39' 39''$  East a distance of 65.30 feet to a point for a corner; and North  $3^{\circ} 08' 55''$  East, passing at 205.73 feet the East line of said Marina Site K and the West line of said Whilden Tract and continuing a total distance of 251.00 feet to a point for a corner;

THENCE: Traversing said Whilden tract as follows: South  $38^{\circ} 21' 05''$  East a distance of 325.00 feet to a point for a corner; and south  $54^{\circ} 29' 10''$  West a distance of 30.17 feet to a point for a corner on the West line of said Whilden tract and the East line of said Marina Site K;

THENCE: Along said line as follows: South  $38^{\circ} 21' 05''$  East a distance of 80.46 feet to a point for a corner; and South  $58^{\circ} 29' 50''$  West a distance of 90.00 feet to a point for a corner;

THENCE: Traversing said Whilden tract as follows: South  $31^{\circ} 30' 08''$  East a distance of 109.80 feet to a point for a corner; South  $20^{\circ} 51' 59''$  East a distance of 156.54 feet to a point for a corner; South  $1^{\circ} 33' 59''$  East a distance of 70.75 feet to a point for a corner; and South  $14^{\circ} 35' 26''$  East a distance of 407.29 feet to a point for a corner on the South line of said Whilden tract;

THENCE: South  $41^{\circ} 32' 55''$  West a distance of 36.13 feet to the Point of BBeginning and Containing 3.5488 Acres of Land,

as shown on Exhibit "A".

SECTION 3. That the paved area shown on Exhibit "A" must have landscaped screening from the adjacent property in Windward Slope.

SECTION 4. That the paved area must have screening from the area to the east generally known as Spyglass Hill when such area shall develop.

SECTION 5. That the expansion shall follow the design included as Exhibit "A".

SECTION 6. That there shall be no time limit on the Conditional Use Permit.

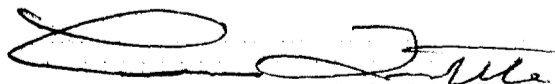
SECTION 7. That the above described tract of land shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.

SECTION 8. Any person, firm, corporation or firm violating any of the provisions of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended hereby, and as may be amended in the future, and upon conviction shall be punished by a penalty of fine not to exceed the sum of \$1,000.00 for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 9. WHEREAS, it appears that the above described property requires classification so as to grant a Conditional Use Permit for marina dry storage and parking lot in order to permit its proper development and in order to protect the public interest and general welfare of the City of Rockwall, such requirement creates an urgency and an emergency in the preservation of the public welfare and requires that this ordinance take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED by the City Council of the City of Rockwall, Texas, on the 2nd day of April, 1984.

APPROVED:

  
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Mayor

ATTEST:

  
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City Secretary