

ORDINANCE NO. 97-32

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A STRUCTURE WITH COMBUSTIBLE STRUCTURAL MATERIALS ON A TRACT OF LAND DESCRIBED IN EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; 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 Conditional Use Permit For a structure with combustible structural materials in the Commercial zoning district on a tract of land described in Exhibit "A" has been requested by Dan Demeyer; 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, the governing body in the exercise of its legislative discretion has concluded that 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 the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a structure with combustible structural materials in the Commercial zoning district on a tract of land described in Exhibit "A".

Section 2. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the city of Rockwall.

Section 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 4. 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 5. 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 Comprehensive Zoning Ordinance No.83-23 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 6. 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.

DULY PASSED AND APPROVED this 3rd day of November, 1997.

Cindy Kindred
ATTEST Cindy Kindred
City Secretary

George R. Hatfield
APPROVED, George R. Hatfield
Mayor

1st Reading 10/20/97

2nd Reading 11/3/97



OWNER'S CERTIFICATE

STATE OF TEXAS)
COUNTY OF ROCKWALL)

WHEREAS, ROCKWALL CENTRAL APPRAISAL DISTRICT and WW REALTY PARTNERS, L.P. are the owners of a 6.113 acre tract of land situated in the B.J. Lewis Survey, Abstract Number 225, in the City of Rockwall, Rockwall County, Texas and being all of LOT 1, BLOCK A OF LOFLAND INDUSTRIAL PARK, an addition to the City of Rockwall according to the plat recorded in Cabinet B, Slide 307-309 and amended in Cabinet B, Slide 399-400 of the Plat Records of Rockwall County, Texas (PRRCT) and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the most northerly corner of said Lot 1 and being located at the point of intersection of the southwesterly right-of-way line of T.L. Townsend Drive (a 60 feet wide right-of-way) with the southeasterly right-of-way line of Justin Road (a 60 feet wide right-of-way);

THENCE along the southerly right-of-way line of said T.L. Townsend Drive SOUTH 42°26'11" EAST a distance of 243.16 feet to a 1/2 inch iron rod found for the most easterly northeast corner of said Lot 1;

THENCE departing the southwesterly right-of-way line of said T.L. Townsend Drive and following the southeasterly line of said Lot 1 as follows:

SOUTH 18°22'08" WEST a distance of 206.19 feet to a 1/2 inch iron rod found for corner;

SOUTH 47°22'48" WEST a distance of 262.39 feet to a 1/2 inch iron rod found for corner;

SOUTH 29°46'36" WEST a distance of 594.28 feet to a 1/2 inch iron rod found for the most southerly corner of said Lot 1;

THENCE NORTH 42°44'30" WEST a distance of 184.58 feet to a 1/2 inch iron rod found for the southwest corner of said Lot 1 and being located in the southeasterly right-of-way line of said Justin Road;

THENCE along the southeasterly right-of-way line of said Justin Road as follows:

NORTH 21°37'22" EAST a distance of 557.35 feet to a 1/2 inch iron rod found for the beginning of a curve to the right having a radius of 970.00 feet, a chord bearing of North 34°35'36" East and a chord length of 435.43 feet;

Along said curve to the right through a central angle of 25°56'27" for an arc length of 439.17 feet to a 1/2 inch iron rod found for the point of tangency;

NORTH 47°33'49" EAST a distance of 83.73 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 6.113 acres or 266,288 square feet of land, more or less.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Austin J. Bedford, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Austin J. Bedford
Registered Professional Land Surveyor No. 4132
Kurtz - Bedford Associates, Inc.
4222 Rosehill Road, Suite 2

EXHIBIT "A"