

ORDINANCE NO. 98-24

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 GASOLINE SERVICE PUMPS AS AN ACCESSORY TO A RETAIL USE ON A TRACT OF LAND DESCRIBED HEREIN; 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 gasoline service pumps as an accessory to a retail use on a tract of land described in exhibit "A" has been requested by Russ Carroll; 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 gasoline service pumps as an accessory to a retail use as shown in exhibit "A" attached hereto and made part of.

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all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.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 6th day of July, 1998.

Cindy Kindred
ATTEST Cindy Kindred

George R. Hatfield
APPROVED, George R. Hatfield,
Mayor

1st Reading 06/15/98

2nd Reading 07/06/98



EXHIBIT "A"

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS Tom Borders is the owner of a tract land situated in the James Smith Survey, Abstract No. 200, Rockwall County, Texas and further being a portion of Lot 5, Carlisle Plaza Addition, An Addition to the City of Rockwall, recorded in Cabinet B, Slide 136, Plat Records, Rockwall County, Texas, said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod set on the Northwest Right of Way line of F.M. 740 (Ridge Road), a 100 foot wide Right of Way, said point being located 83.92 feet North 06° 19' 09" East from the South corner of said Lot 5;

THENCE: South 70° 42' 21" West, along a corner clip Right of Way line between F.M. 740 and Horizon Road, a distance of 72.56 feet to a 1/2" iron rod set for a corner on the Northeasterly Right of Way line of Horizon Road, a 60.0 foot Right of Way;

THENCE: North 44° 54' 27" West, along said Northeasterly ROW line, a distance of 357.55 feet to a 1/2" iron rod set for a corner;

THENCE: North 45° 05' 33" East a distance of 58.72 feet to an "X" cut in concrete, said point being on a curve to the left having a central angle of 28° 29' 15", a radius of 7.00 feet and a chord that bears South 69° 25' 02" East a distance of 3.44 feet;

THENCE: Along the arc of said curve an arc distance of 3.48 feet to an "X" cut in concrete;

THENCE: South 83° 39' 40" East a distance of 59.20 feet to a 1/2" iron rod set for a corner;

THENCE: North 06° 20' 20" East a distance of 5.00 feet to a point for a corner;

THENCE: South 83° 39' 40" East a distance of 51.80 feet to a point for a corner;

THENCE: South 06° 20' 20" West a distance of 0.17 feet to a point for a corner;

THENCE: South 83° 39' 40" East a distance of 13.00 feet to an "X" cut in concrete for a corner;

THENCE: North 06° 20' 20" East a distance of 1.34 feet to an "X" cut in concrete for a corner;

THENCE: South 83° 40' 51" East a distance of 180.07 feet to an "X" cut in concrete for a corner, said point being on the Northwest Right of Way line of F.M. 740 (Ridge Road);

THENCE: South 06° 19' 09" West, along said ROW line a distance of 243.60 feet to the Place of Beginning and containing 60,908 square feet or 1.40 acres of land. "

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

I the undersigned owner of the land shown on this plat, and designated as A REPLAT OF PART OF LOT 5, CARLISLE PLAZA, City of Rockwall, Rockwall County, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the plat of said Addition have been notified and signed this plat. We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips, and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting patrolling, maintaining, and either adding to or removing all or