

CITY OF ROCKWALL

ORDINANCE NO. 17-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR AN 8.733-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF LOT 16 AND ALL OF LOT 14, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; 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, the City has received a request from Russell Phillips on behalf of Sandra McMullen for the approval of an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a change in zoning from a Single-Family Estate 4.0 (SFE-4.0) District for a 8.733-acre tract of land identified as a portion of Lot 16 and all of Lot 14, Rainbo Acres Addition, City of Rockwall, Rockwall County, Texas, and more specifically described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; 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 [Ordinance No. 04-38] 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 [Ordinance 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 of the *Subject Property* from a Single-Family Estate 4.0 (SFE-4.0) District to a Commercial (C) District; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes provided for a *Commercial (C) District* as stipulated by *Section 4.5, Commercial (C) District, of Article V, District Development Standards, of the Unified Development Code* [Ordinance No. 04-38] 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;

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein.

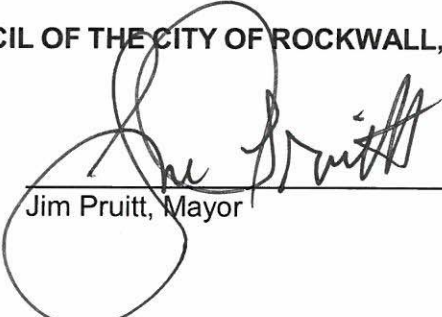
SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (\$2,000.00) for each offence and each and every day such offense 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 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 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance 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 7. 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, ON THIS THE 2nd DAY OF OCTOBER, 2017.



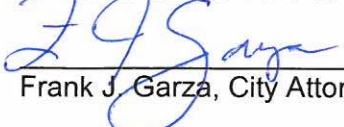
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: September 18, 2017

2nd Reading: October 2, 2017

Exhibit 'A'
Legal Description

BEING a tract of land situated in the W. W. Ford Survey, Abstract No. 80, Rockwall County, Texas and being all of Lot 14 and Part of Lot 16 of Rainbo Acres, an addition to the County of Rockwall as recorded in Cabinet A, Slide 20, Plat Record of Rockwall County, Texas and being the same tract as conveyed to Kenneth E. McMullen and wife, Sandra A McMullen as recorded in Volume 692, Page 280, Deed Records of Rockwall County, Texas and being more particularly described as follows

BEGINNING at an ½ inch iron rod found for corner of the Southwest corner of Lo 14 and the Northwest corner of Lot 12, said point being in the East line of Ranch Trail, a 50-foot right-of-way

THENCE North 12 degrees 07 minutes 10 seconds East, along the East line of Said Ranch Trail a distance of 331.64 feet to an "X" set on a stone wall for corner

THENCE South 85 degree 40 minutes 48 seconds East a distance of 336.54 feet to an ½ inch iron rod found for corner

THENCE South 89 degrees 35 minutes 04 seconds East a distance of 567.74 feet too an ½ inch iron rod found for corner in the East line of Said Rainbo Acres Addition

THENCE South 00 degrees 57 minutes 41 seconds East, with a fence along the East line of said addition, a distance of 421.06 feet to an ½ inch iron rod found for corner, said point being the North corner of Lot 8

Thence South 43 degrees 37 minutes 24 seconds West, with a fence along the Northwest line of said Lot 8, a distance of 562.22 feet to an ½ inch iron rod found for corner, said point being the most Easterly corner of Lot 12 and the most Southerly corner of Lot 14

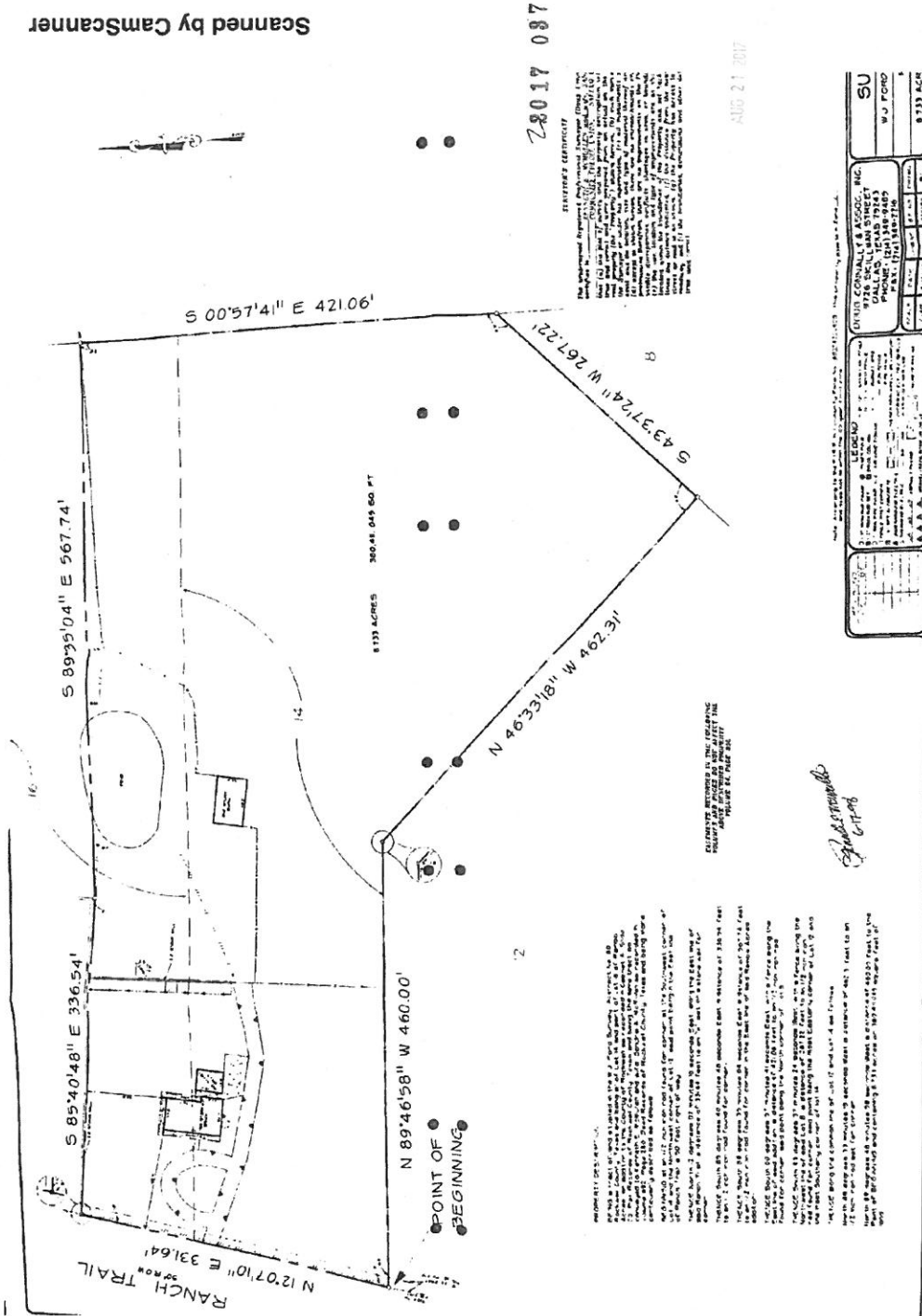
THENCE along the common line of lot 12 and lot 14 as follows;

North 46 degree 33 minutes 18 seconds West a distance of 462.31 feet to an ½ inch iron rod set for corner

North 89 degrees 46 minutes 58 seconds West a distance pf 460.00 feet to the Point of Beginning and containing 8.733 acres or 380,411.045 square feet of land.

Exhibit 'B'
Survey

Scanned by CamScanner



STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires _____.

28017 087

AUG 21 2017

ELEMENTS SHOWN IN THIS FIGURE ARE NOT TO SCALE UNLESS OTHERWISE NOTED.

1. THE SURVEY IS BASED ON THE ASSUMPTION THAT THE BOUNDARIES OF THE TRACT DESCRIBED IN THE INSTRUMENT ARE CORRECT AND THAT THE INSTRUMENT IS VALID AND ENFORCEABLE.

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Signature
C.A.B.

DUNN, CONNALLY & ASSOC., INC. 9000 W. LAKELAND BLVD. SUITE 100 ROCKWALL, TEXAS 75087 PHONE: (972) 988-8889 FAX: (972) 988-8889 CELL: (972) 303-2150	
SURVEY NO. PROJECT NO. SHEET NO.	SU W.J. FORD 0.333 ACRES