

CITY OF ROCKWALL

ORDINANCE NO. 06-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A TOWING AND IMPOUND YARD, ON A TRACT OF LAND KNOWN AS TRACT 2-9, J R JOHNSON SURVEY, ABSTRACT NO. 128, LOCATED AT 291 NATIONAL DRIVE; 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 Specific Use Permit for a Towing and Impound Yard within the "HC" Heavy Commercial District has been requested by Brent Lemmond of Dallas Towboys for the property known as Tract 2-9, J R Johnson Survey, Abstract No. 128; located at 291 National Drive, City and County of Rockwall, Texas; 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 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit for a Towing and Impound Yard within the "HC" Heavy Commercial District as requested by Brent Lemmond of Dallas Towboys for the property known as Tract 2-9, J R Johnson Survey, Abstract No. 128; located at 291 National Drive, City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the following conditions:

1. All sides of the "Impound Yard" be screened with Red Tip Photinias, a minimum of 5 gallons, planted at 5' on center located within the screening fence.
2. All security fencing shall be a minimum 6' feet in height with two (2) strands of security wire at the top.
3. All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
4. Only running/working cars shall be impounded on-site.

5. That the City Council shall review and approve the applicant's rates for non-consent tows originating within the City of Rockwall to the extent permitted by law. Any inability to agree on rates for non-consent tows shall allow the City Council to rescind the SUP without further recourse.

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 Unified Development Code No. 04-38 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of July, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney

1st Reading: 06-19-06
2nd Reading: 07-17-06

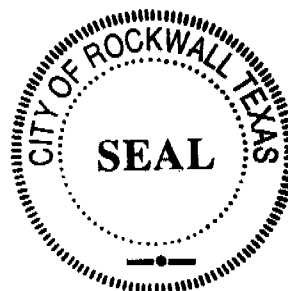
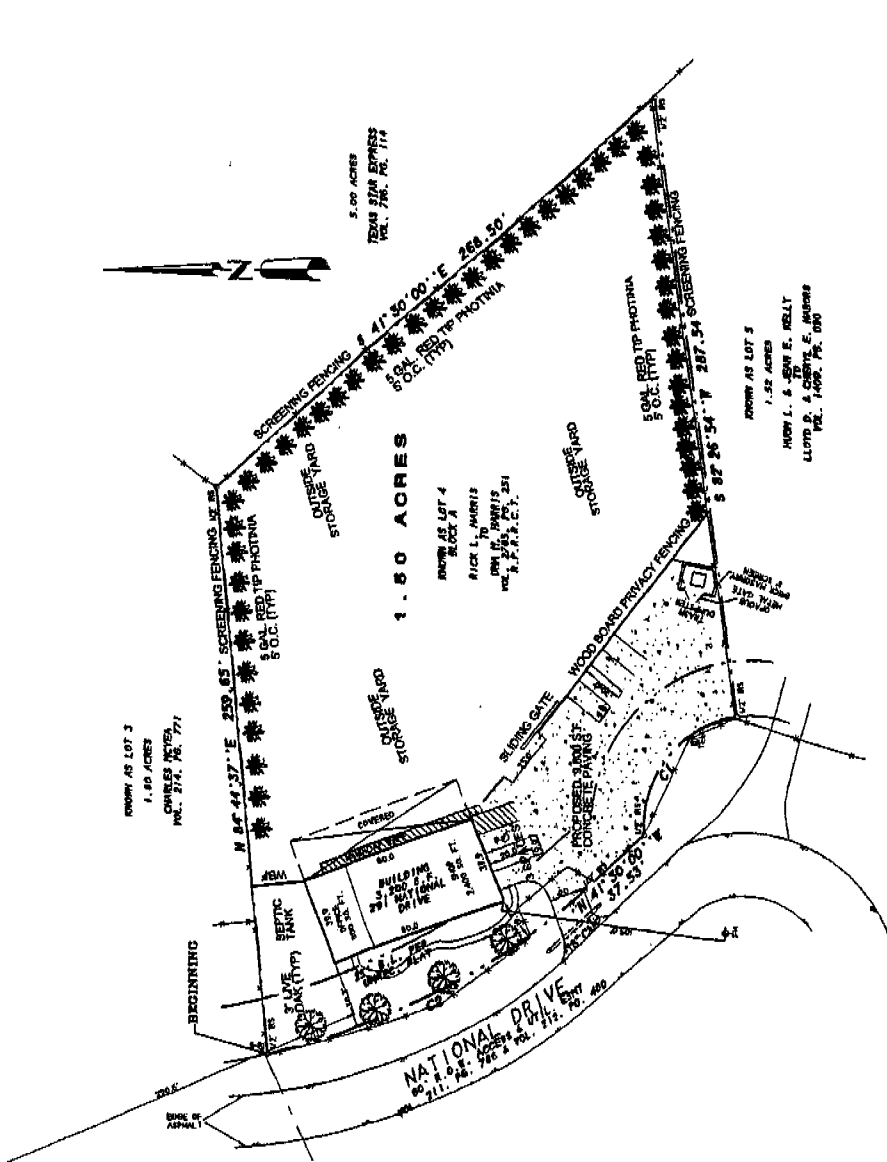
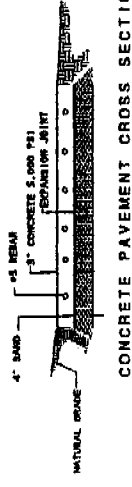


Exhibit A



SITE PLAN
 291 NATIONAL DRIVE
 LOT 4, BLOCK A
 205 BUSINESS PARK ADDITION
 CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS

| | | | | | | |
|-------|------------|--------|--------|---------|-------|------------------------------------|
| Curve | Date Input | Radius | ARC | Tangent | Chord | Chord Bearing |
| 2 | 8/7/08 | 50.00 | 182.00 | 47.51 | 18.16 | N 87° 05' 18" W N 25° 54' 17" W |

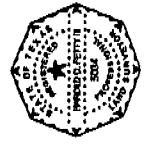


DESCRIPTION
 All that certain 54 tract of parcel of land situated in the J.R. JOHNSON SURVEY, ABSTRACT NO. 178, City of Rockwall, Rockwall County, Texas, and being known as Lot 4, Block A, as described in a Warranty Deed in Land Properties, LTD., as recorded in Volume 163, Page 085 of the First Estate Records of Rockwall County, Texas, and being all of that certain 1.50 Acres and being recorded in Volume 216, Page 251 of the First Property Records of Rockwall County, Texas and being more particularly described as follows:
 BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. R.P.S. 5034" set for corner, in the curve Southward right-of-way line of National Drive (See R.O.W. Access & Utility easement in the Northwest corner of the above described Lot 4 and City Line W. 91 1/2" bearing along a curve to the left having a central angle of 13 deg. 14 min. 59 sec. a radius of 320.00 feet, a tangent of 37.08 feet, a chord of 73.04 feet, along said right-of-way line, in an arc distance of 74.00 feet, from the Northwest corner of said Land Properties 1552;
 THENCE N. 84 deg. 44 min. 37 sec. E. (Containing bearing line) along the Northwest line of said Lot 4, a distance of 287.54 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. R.P.S. 5034" set for corner;
 THENCE S. 41 deg. 30 min. 00 sec. E. along the East line of said Lot 4, a distance of 268.80 feet to a 1/2" iron rod set for corner at the Southeast corner of said Lot 4;
 THENCE S. 82 deg. 29 min. 54 sec. W. along the South line of said Lot 4, a distance of 287.54 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. R.P.S. 5034" set for corner in the curving East line of National Drive;
 THENCE in a Northward direction along a curve to the left having a central angle of 87 deg. 04 min. 49 sec. a radius of 310.00 feet, a tangent of 47.51 feet, a chord of 116.56 feet, in an arc distance of 116.56 feet along said right-of-way line, in an arc distance of 74.99 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. R.P.S. 5034" set for corner;
 THENCE N. 41 deg. 30 min. 00 sec. W. along said right-of-way line, a distance of 37.53 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. R.P.S. 5034" set for corner;
 THENCE in a Northeastward direction along a curve to the right having a central angle of 29 deg. 10 min. 18 sec. a radius of 100.00 feet, a tangent of 16.50 feet, a chord of 34.00 feet, in an arc distance of 34.00 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. R.P.S. 5034" set for corner, and containing 13.31 acres of land.

NOTES
 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 482643 D040 B dated Sept. 17, 1984, this property lies in Zone C. This property does not appear to lie within a 100-year flood plain.
 2) BEARING SOURCE: RECORDED DEED IN VOL. 208, PG. 261, R.P. R.R.C.I.
 3) ALL 1/2" IRON RODS CAPPED WITH YELLOW PLASTIC CAPS "R.S.C.I. R.P.S. 5034".

RECEIVE
 APR 26 2008

SURVEYOR'S CERTIFICATE
 I, Harold D. Kelly, II, Registered Professional Land Surveyor No. 5064, do hereby certify that the above described survey was made by me or under my direct supervision and that the same is true and correct to the best of my knowledge and belief. My commission expires on 03/31/2011. This survey meets the requirements of the Minimum Standards for Professional Land Surveyors, effective September 1, 1982 and subsequent revisions, and the same was surveyed under my supervision on the ground file on the 10th day of March, 2008.



Harold D. Kelly II (P.L.S.) No. 5064
R.S.C.I.
 ROCKWALL SURVEYING CO., INC.
 1914 S. 28th St., Rockwall, TX 75087
 972-775-3434 PHONE 972-775-3443 FAX

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#: 05500111
Phone: (972)771-7700
Date: 07/18/06

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

| Description | Start | Stop | Ins. | Cost/Day | Surcharges | Total |
|-------------------------|----------------------|----------------------|------|----------|------------|-------|
| 09 ROCKWALL COUNTY NEWS | 07/26/06 07/27/06 | 07/26/06 07/27/06 | 1 | 48.00 | | 48.00 |

Payment Reference:

LG#223250
 ORDINANCE 06-28
 RCN 7/27

Total: 48.00
Tax: 0.00
Net: 48.00
Prepaid: 0.00
Total Due 48.00

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 twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Publisher further deposes and says that the attached notice was published in said news paper on the following date(s) to wit:

July 27th A.D. 2006

Wm. Jordan

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 27th day of July, A.D. 2006
to certify which witness my hand and seal of office.



Patricia A. Shaw
Notary Public, State of Texas

CITY OF ROCKWALL ORDINANCE NO. 06-28

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A TOWING AND IMPOUND YARD, ON A TRACT OF LAND KNOWN AS TRACT 2-9, J R JOHNSON SURVEY, ABSTRACT NO. 128, LOCATED AT 291 NATIONAL DRIVE; 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.

/s/ William R. Cecil, Mayor
/s/ Dorothy Brooks, City Secretary
1st Reading: 06-19-06
2nd Reading: 07-17-06