

ORDINANCE NO. 01-03

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM "A", AGRICULTURAL TO "HC", HEAVY COMMERCIAL, CONTAINING 2.017 ACRES OF LAND; 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 zoning change from "A", Agricultural to "HC", Heavy Commercial, has been requested by Ross Wilcox on the property described in Exhibit "A", 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 by the approval of a zoning change from "A", Agricultural to "HC", Heavy Commercial, on the property described on Exhibit "A", attached hereto and made a part hereof.

Section 2. That the tract of land described in the attached Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this approval shall affect only the property described in the attached Exhibit "A" and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. That development in the area within Exhibit "A" shall be limited to uses and requirements listed in **Section 2.14 (HC) Heavy Commercial District** of the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23).

Section 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 5. 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 6. 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 7. 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 8. 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 5th day of March, 2001.

Scott L. Self

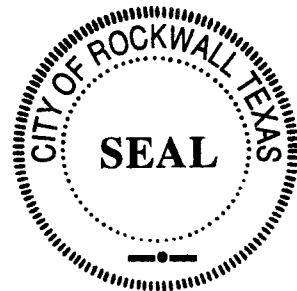
APPROVED

Belinda Page

ATTEST

1st Reading 2/19/01

2nd Reading 3/5/01



DESCRIPTION

BEING a 2.017 acre tract of land in the J.P. Anderson Survey, Abstract No. 128, Rockwall County, Texas, said 2.017 acres being that same tract of land described in deed to Stephen L. Andre and wife Karen Koden Andre, M.D., d/b/a Electro-Spray Manufacturing Co. recorded in Volume 879, Page 180, Deed Records, Rockwall County, Texas, said 2.017 acres being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod found in the intersection of the westerly line of State Highway No. 205 and the south line of Mims Road;

THENCE, North 89 degrees 55 minutes 21 seconds West, 1,067.50 feet with the south line of Mims Road to the east line of National Drive;

THENCE, South 00 degrees 55 minutes 21 seconds West, 691.32 feet with the east line of National Drive to a ½ inch iron rod found at the northwest corner of the said Andre tract and the southwest corner of a tract of land described in deed to R. D. West recorded in Volume 887, Page 46, said Deed Records, and being the POINT OF BEGINNING of the tract herein described;

THENCE, South 89 degrees 04 minutes 39 seconds East, (the bearing base of this survey), 250.00 feet with the south line of said west tract to a fence corner post, being the west line of a tract of land described in deed to Ray Seymore recorded in Volume 1063, Page 51, said Deed Records;

THENCE, South 00 degrees 55 minutes 21 seconds West, passing at 131.77 feet a ½ inch iron rod found at the southwest corner of said Seymore tract, being the northwest corner of a tract of land described in deed to David R. Clark recorded in Volume 1075, Page 270, said Deed Records, continue a total distance of 352.87 feet to a ½ inch iron rod found in the north line of the aforesaid National Drive and the southwest corner of said Clark tract;

THENCE, North 88 degrees 25 minutes 12 seconds West, 250.02 feet to a ½ inch iron rod found in the intersection of the north line and east line of National Drive;

THENCE, North 00 degrees 55 minutes 21 seconds East, 350.00 feet with the east line of National Drive to the POINT OF BEGINNING and containing 2.017 acres of land, more or less.

MIMS ROAD

POINT OF BEGINNING

POINT OF COMMENCING

STATE HIGHWAY NO. 205

NATIONAL DRIVE (ASPHALT ROAD)

NATIONAL DRIVE (ASPHALT ROAD)

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD PLAIN MAP OF THE ROCKWALL COUNTY UNINCORPORATED AREAS COMMUNITY PANEL NO. 480543 0040 B MAP DATED 9/17/80 (ZONE "C").



J. P. ANDERSON SURVEY NO. 128

2.017 ACRES
STEPHEN L. & KAREN ANDRE
VOL. 879, PG. 180
D.R.A.C.T.

DAVID R. CLARK
VOL. 1073, PG. 270
D.R.A.C.T.

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 498 NATIONAL DRIVE ROCKWALL, Texas, described as follows:
In the County of

Legal Description
BDMC a 2.017 acre tract of land in the J. P. Anderson Survey, Abstract No. 128, Rockwall County, Texas, said 2.017 acres being that same tract of land described in deed to Stephen L. Andre and wife Karen Kaden Andre, M.D., d/b/a/ Delta-Spary Manufacturing Co., recorded in Volume 879, Page 180, Deed Records, Rockwall County, Texas, said 2.017 acres being more particularly described by metes and bounds as follows:
COMMENCING at a 1/2 inch iron rod found in the intersection of the westerly line of State Highway No. 205 and the south line of Mims Road;
THENCE North 89 degrees 04 minutes 39 seconds West, 1067.50 feet with the south line of Mims Road to the east line of National Drive;
THENCE South 00 degrees 55 minutes 21 seconds West, 691.32 feet with the east line of National Drive to the southeast corner of a tract of land described in deed to R. D. West recorded in Volume 887, Page 46, said Deed Records, and being the POINT OF BEGINNING of the tract - "as in and as certified";
THENCE South 02 degrees 55 minutes 21 seconds East, (the bearing base of this survey), 230.02 feet with the south line of said West tract to a fence corner post, being the east line of a tract of land described in deed to Roy Symore recorded in Volume 1053, Page 31, said Deed Records;
THENCE South 03 degrees 55 minutes 21 seconds West, passing at 131.77 feet a 1/2 inch iron rod found at the southwest corner of said Symore tract, being the northwest corner of a tract of land described in deed to David R. Clark, recorded in Volume 1073, Page 270, said Deed Records, continue a total distance of 352.87 feet to a 1/2 inch iron rod found in the north line of the address National Drive and the southwest corner of said Clark tract;
THENCE North 88 degrees 25 minutes 12 seconds West, 250.02 feet to a 1/2 inch iron rod found in the intersection of the north line and east line of National Drive;
THENCE North 00 degrees 55 minutes 21 seconds East, 350.00 feet with the east line of National Drive to the POINT OF BEGINNING and containing 2.017 acres of land, more or less.

TO THE BEST OF MY KNOWLEDGE THE FOLLOWING EASEMENTS DO NOT AFFECT THIS PROPERTY:
1) VOL. 75, PG. 476, D.R.A.C.T.
2) VOL. 83, PG. 521, D.R.A.C.T.
3) VOL. 211, PG. 788, D.R.A.C.T.
4) VOL. 212, PG. 400, D.R.A.C.T.

THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.
The plot hereon is a representation of an on the ground survey as dated theretofore, the lines and dimensions of said property being indicated, the site, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property set back from property lines the distance indicated, all easements and other matters of record of which I have been advised are as shown hereon. This survey was performed in connection with the transaction described in G.F. No. 5902852 of ROCKWALL CO. ABST. & TRS. CO. Use of this survey for any other purpose or by any other parties shall be at their own risk and the undersigned is not responsible to any others for any loss resulting therefrom.

Registered Professional
Land Surveyor
Daniel A. Smith, R.P.L.S. No. 4645

Daniel A. Smith Land Surveying, Inc.
4528 Via Ventura
Mesquite, Texas 75150
(972) 226-4555 fax (972) 226-4994
Job No. 3517
Date: 4/9/99
Scale: 1" = 50'
Drawn by: MWW

01-02