

CITY OF ROCKWALL

ORDINANCE NO. 04-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM (HC) HIGHWAY COMMERCIAL DISTRICT AND (LI) LIGHT INDUSTRIAL DISTRICT TO (C) COMMERCIAL DISTRICT ON AN 47.67-ACRE TRACT KNOWN AS A PORTION OF TRACT 22, ABSTRACT 120, R.B. IRVINE SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has initiated a change in zoning from (HC) Highway Commercial district and (LI) Light Industrial district to (C) Commercial district for an 47.67-acre tract known as a portion of Tract 22, Abstract 120, R.B. Irvine Survey and more specifically described in Exhibit "A" attached hereto and made a part hereof for all purposes; 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 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, 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 on a tract of land which is more fully described herein as Exhibit "A" from (HC) Highway Commercial district and (LI) Light Industrial district to (C) Commercial district, and;

Section 2. That the property described herein 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 zoning change, and as may be amended in the future and subject to the following additional conditions:

1. That the property is limited to the uses and area requirements of the (C) Commercial zoning district.
2. All proposed developments shall be subject to final platting and site plan review.
3. All proposed developments shall be subject to review by the Architectural Review Board.

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

Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

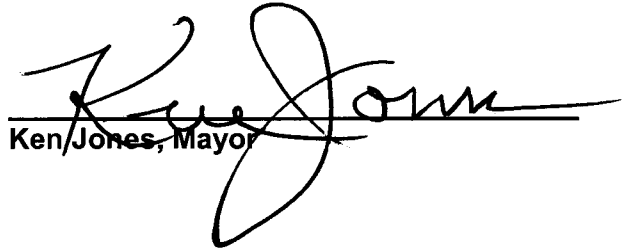
Section 5. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance 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 of this ordinance shall remain in full force and effect.

Section 6. That all ordinances of the City of Rockwall in conflict with the provisions of this 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.

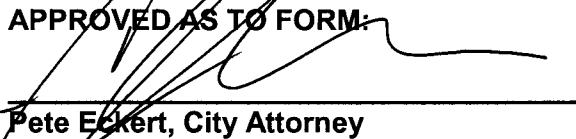
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of August, 2004.

ATTEST:


Ken Jones, Mayor


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

Pete Eckert, City Attorney

1st Reading: July 19, 2004

2nd Reading: August 2, 2004

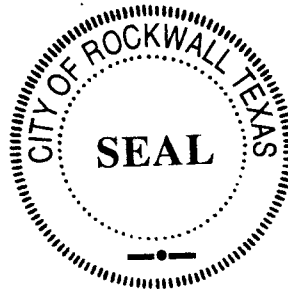


EXHIBIT "A"

PART OF 128.82 ACRES
MARIAH BAY DEVELOPMENT INC
VOL. 2358, PG. 265
D.R.R.C.T.

28.72 ACRES TOTAL

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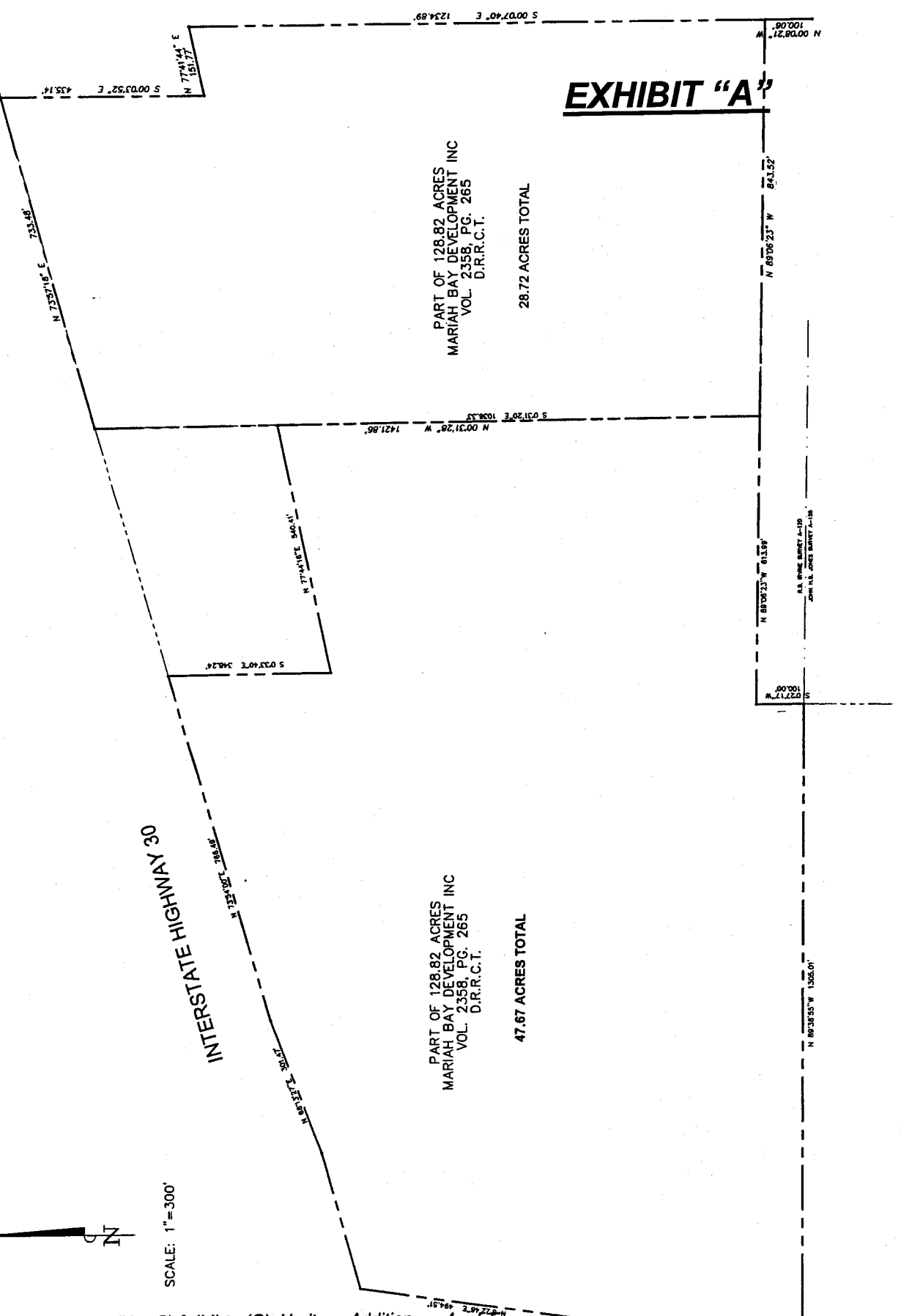
47.67 ACRES TOTAL

INTERSTATE HIGHWAY 30

F. M. HIGHWAY 549

Z2004-025 (Hwy(C) & (LI) to (C); Heritage Addition 4 of 5

SCALE: 1"=300'



STATE OF TEXAS *
COUNTY OF ROCKWALL *

WHEREAS Mariah Bay Development, Inc., is the owner of all that certain lot, tract or parcel of land situated in the R.B. IRVINE SURVEY, ABSTRACT NO. 120, City of Rockwall, Rockwall County, Texas, and being a part of that 128.82 acres tract of land as described in a Deed from 97 Industrial, LTD. to Mariah Bay Development, Inc., as recorded in Volume 2358, Page 265 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a wooden right-of-way monument found for corner at the intersection of the East right-of-way line of F.M. Highway 549 with the South right-of-way line of Interstate Highway 30, said point being at the Northwest corner of said 128.82 acres tract of land;

THENCE N. 73 deg. 51 min. 09 sec. E. along the South right-of-way line of Interstate Highway 30, a distance of 298.22 feet to a broken concrete highway monument found for corner;

THENCE N. 68 deg. 13 min. 27 sec. E. along said right-of-way line, a distance of 301.47 feet to a broken concrete highway monument for corner;

THENCE N. 73 deg. 54 min. 00 sec. E. along said right-of-way line, a distance of 766.49 feet to a 1/2" iron rod found for corner at the Northwest corner of a tract of land as described in a Deed recorded in Volume 1215, Page 155 of the Real Property Records of Rockwall County, Texas;

THENCE S. 00 deg. 33 min. 40 sec. E. along the West line of said tract, a distance of 348.24 feet to a 1/2" iron rod found for corner at its Southwest corner;

THENCE N. 77 deg. 44 min. 16 sec. E. a distance of 540.41 feet to a 1/2" iron rod found for corner at the Southeast corner of said tract;

THENCE S. 00 deg. 31 min. 20 sec. E., a distance of 1036.33 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE N. 89 deg. 06 min. 23 sec. W. a distance of 613.99 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner;

THENCE S. 00 deg. 27 min. 17 sec. W. a distance of 100.00 feet to a 1/2" iron rod found for corner at an inner "L" corner of said 128.82 acres tract of land;

THENCE N. 89 deg. 38 min. 55 sec. W. along said 128.82 acres tract, a distance of 1305.01 feet to a 1/2" iron rod found for corner in the East right-of-way line of F.M. Highway 548;

THENCE N. 00 deg. 29 min. 06 sec. E. along said right-of-way line, a distance of 455.60 feet to a wood right-of-way monument found for corner;

THENCE N. 08 deg. 22 min. 46 sec. E. along said right-of-way line, a distance of 494.51 feet to the **POINT OF BEGINNING** and containing 47.67 acres of land.