

CITY OF ROCKWALL

ORDINANCE NO. 04-49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL SO AS TO CHANGE THE ZONING FROM (AG), AGRICULTURAL DISTRICT TO (SF-E/4.0), SINGLE FAMILY ESTATE DISTRICT ON APPROXIMATELY 64.38-ACRES OF LAND, FROM (AG), AGRICULTURAL DISTRICT TO (SF-E/2.0), SINGLE FAMILY ESTATE DISTRICT ON APPROXIMATELY 6.138-ACRES OF LAND, FROM (AG), AGRICULTURAL DISTRICT TO (SF-E/1.5), SINGLE FAMILY ESTATE DISTRICT ON APPROXIMATELY 7.109-ACRES OF LAND, AND FROM (AG), AGRICULTURAL DISTRICT TO (SF-16) SINGLE FAMILY RESIDENTIAL DISTRICT ON APPROXIMATELY 15.884-ACRES OF LAND, ALL OF WHICH IS SITUATED IN THE J. SHERWOOD SURVEY, ABSTRACT NO. 193 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has initiated rezoning so as to change the zoning from (Ag), Agricultural district to (SF-E/4.0), Single Family Estate district on approximately 64.38-acres of land, from (Ag), Agricultural district to (SF-E/2.0), Single Family Estate district on approximately 6.138-acres of land, from (Ag), Agricultural district to (SF-E/1.5), Single Family Estate district on approximately 7.109-acres of land, and from (Ag), Agricultural district to (SF-16) Single Family Residential district on approximately 15.884-acres of land, all of which is situated in the J. Sherwood Survey, Abstract No. 193 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, 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 (Ord. No. 04-38) of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended so as to allow for a change in zoning from (Ag), Agricultural district to (SF-E/4.0), Single Family Estate district on approximately 64.38-acres of land, from (Ag), Agricultural district to (SF-E/2.0), Single Family Estate district on approximately 6.138-acres of land, from (Ag), Agricultural district to (SF-E/1.5), Single Family Estate district on approximately 7.109-acres of land, and from (Ag), Agricultural district to (SF-16) Single Family Residential district on approximately 15.884-acres of land, all of

which is situated in the J. Sherwood Survey, Abstract No. 193 and more specifically described in Exhibit "A" attached hereto.

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.

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, 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. This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

Section 7. This ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

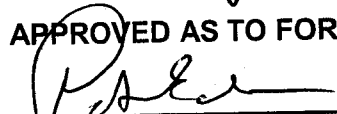
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of September, 2004.

ATTEST:


Dorothy Brooks, City Secretary

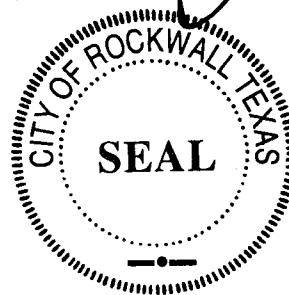

Ken Jones, Mayor

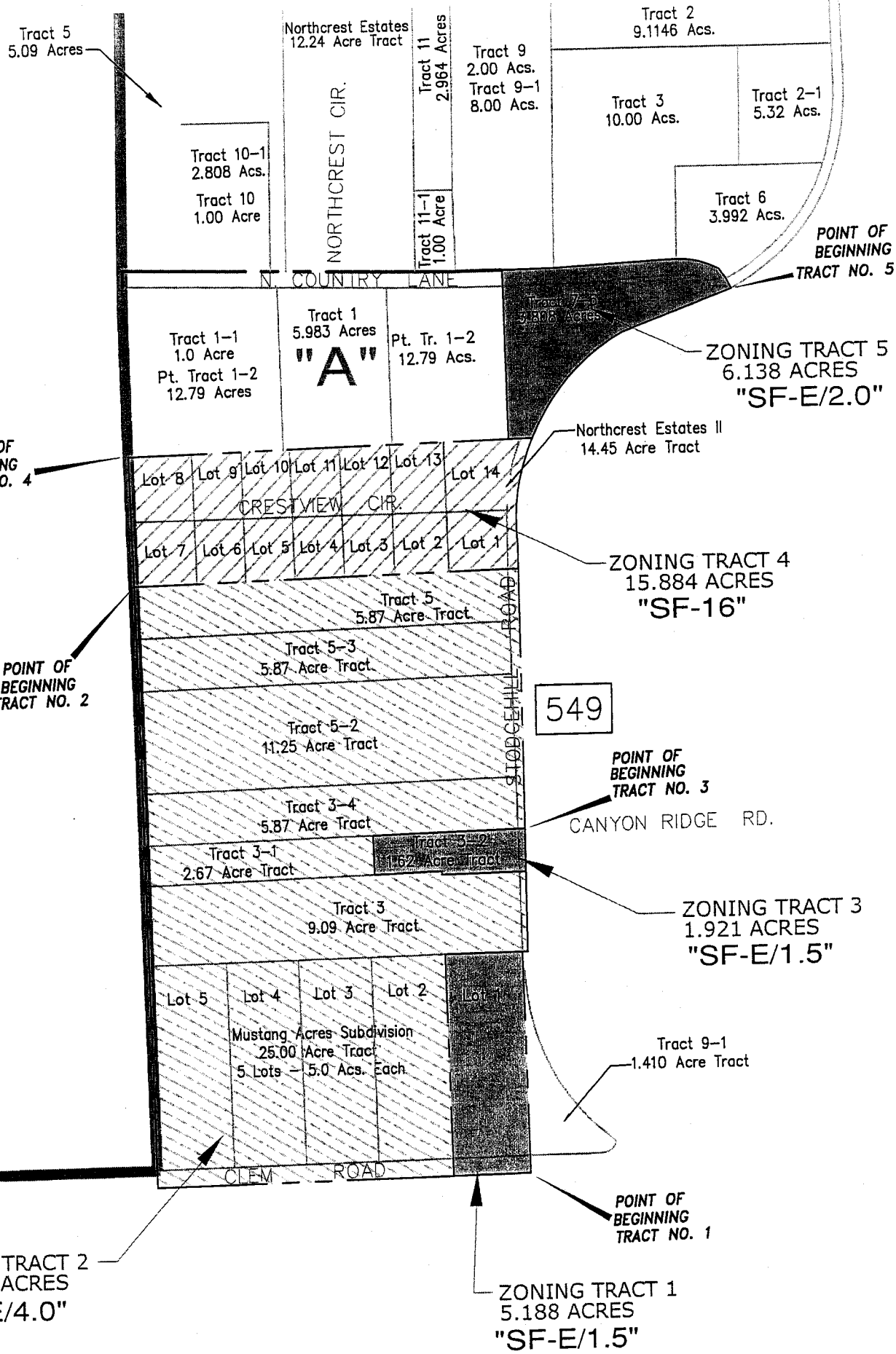
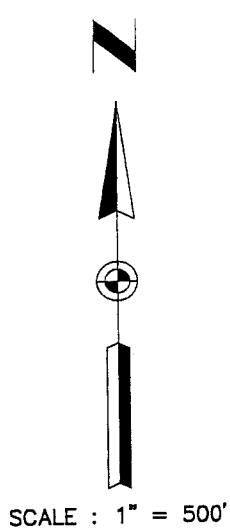
APPROVED AS TO FORM:


Pete Eckert, City Attorney

1st Reading: 8-16-04

2nd Reading: 9-7-04





Case Z2004-026: CITY INITIATED ZONING CHANGE FOR NORTHEAST ANNEXED AREA

Z2004-026: Rezoning of Northeast Annexation Area
Legal Description – Tracts 1 through 5

Tract 1
(SF-E/1.5) Single Family Estate District

BEING a 5.188 acre tract of land situated in the J. Sherwood Survey, Abstract No. 193 in the City and County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the South line of Clem Road, said point being the projected east line of Lot 1, Mustang Acres Addition;

THENCE S88°57'13"W along said South line of Clem Road for a distance of 277.11 feet to a point for a corner;

THENCE N01°27'18"W departing said South line of Clem Road for a distance of 816.32 feet to a point for a corner in the Northwesterly most corner of Lot 1 of Mustang Acres Subdivision and the Northeasterly most corner Lot 2 of said Mustang Acres said point also being in the South line of Tract 3, a 9.09 acre tract of land in the said J. Sherwood Survey;

THENCE N89°18'25"E along the said South line of said Tract 3 and the North line of said Lot 1 for a distance of 277.12 feet to a point being the northeastern corner of said Lot 1 and on the west right-of-way line of F.M. 549;

THENCE S01°27'13"E along the East line of said Lot 1 of Mustang Acres Subdivision for a distance of 814.62 feet to the point of beginning and containing 5.188 acres (225,989 square feet) of land more or less.

Tract 2
(SF-E/4.0) Single Family Estate District

BEING a 64.380 acre tract of land situated in the J. Sherwood Survey, Abstract No. 193 in the City and County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the intersection of the Northwesterly most corner of Tract 5, a 5.87 acre tract of land in the said J. Sherwood Survey and the Southwesterly most corner of Lot 7 of Northcrest Estates II, an addition to the City of Rockwall in the said J. Sherwood Survey;

THENCE N88°32'47"E along South line of said Northcrest Estates II and the North line of said Tract 5 for a distance of 1425.03 feet to a point for a corner in the centerline of Stodgehill Road (F.M. 549);

THENCE S00°41'35"E along said centerline of F.M.549 for a distance of 957.13 feet to a point for a corner;

THENCE S88°32'47"W departing said centerline of F.M. 549 for a distance of 556.75 feet to a point for a corner at the Northwesterly most corner of Tract 3-2, a 1.62 acre tract of land in the

9/1/2004

Exhibit "A"

Z2004-026: Rezoning of Northeast Annexation Area
Legal Description – Tracts 1 through 5

said J. Sherwood Survey said point also being the Northeasterly most corner of Tract 3-1, a 2.67 acre tract of land in the said J. Sherwood Survey;

THENCE S01°27'13"E along the West line of said Tract 3-2 and the East line of said Tract 3-1 for a distance of 143.75 feet to a point for a corner in the North line of Tract 3, a 9.09 acre tract of land in the said J. Sherwood Survey;

THENCE N88°21'47"E along the South line of said Tract 3-2 and the North line of said Tract 3 for a distance of 252.00 feet to a point for a corner;

THENCE S02°06'55"E for a distance of 12.39 feet to a point for a corner;

THENCE N89°01'30"E for a distance of 302.52 feet to a point for a corner in the said centerline of F.M. 549;

THENCE S00°41'35"E along the said centerline of F.M. 549 for a distance of 292.63 feet to a point for a corner;

THENCE S89°18'25"W departing said centerline of F.M. 549 for a distance of 297.98 feet to a point for a corner at the intersection of the Northwesterly most corner of Lot 1 in Mustang Acres Subdivision, a 25.00 acre tract of land and addition to the City of Rockwall and the Northeasterly most corner of Lot 2 in said Mustang Acres;

THENCE S01°27'13"E along the East line of said Lot 2 and the West line of said Lot 1 for a distance of 816.32 feet to a point for a corner in the South line of Clem Road;

THENCE S88°57'13"W along said South line of Clem Road for a distance of 1108.43 feet to a point for a corner;

THENCE N01°27'13"W departing the said South line of Clem Road and following along the East line of a 101.45 acre tract being Tract 4, J.M. Gass Survey, Abstract No. 88, for a distance of 2212.01 feet to the Point of Beginning and containing 64.380 acres (2,804,393 square feet) of land more or less.

Tract 3
(SF-E/1.5) Single Family Estate District

BEING a 1.921 acre tract of land and being all of Tract 3-2, a 1.62-acre tract situated in the J. Sherwood Survey, Abstract No. 193 in the City of Rockwall, Rockwall County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the centerline of Stodgehill Road (F.M. 549) said point being N88°32'47"E a distance of 40.00 feet from the Northeasterly most corner of said Tract 3-2;

THENCE S00°41'35"E along said centerline of F.M. 549 for a distance of 157.88 feet to a point for a corner;

Z2004-026: Rezoning of Northeast Annexation Area
Legal Description – Tracts 1 through 5

THENCE S89°01'30"W departing said centerline of F.M. 549 and following along the South line of said Tract 3-2 and the North line of Tract 3, a 9.09 acre tract of land out of the said J. Sherwood Survey for a distance of 302.52 feet to a point for a corner;

THENCE N02°06'55"W for a distance of 12.39 feet to a point for a corner;

THENCE S88°21'47"W continuing along the said South line of Tract 3-2 and the said North line of Tract 3 for a distance of 252.00 feet to a point for a corner at the Southwesterly most corner of said Tract 3-2 and the Southeasterly most corner of Tract 3-1, a 2.67 acre tract of land out of the said J. Sherwood Survey;

THENCE N01°27'13"W along the East line of said Tract 3-1 and the West line of said Tract 3-2 for a distance of 143.75 feet to a point for a corner at the Northwesterly most corner of said Tract 3-2 and the Northeasterly most corner of said Tract 3-1;

THENCE N88°32'47"E along the South line of Tract 3-4, a 5.87 acre tract of land out of the said J. Sherwood Survey and the North line of said Tract 3-2 for a distance of 556.75 feet to the Point of Beginning and containing 1.921 acres (83,682 square feet) of land more or less.

Tract 4
(SF-16) Single Family Residential District

BEING a 15.884 acre tract of land and including all of Northcrest Estates II, a 14.45-acre addition to the City and County of Rockwall, Texas, out of the J. Sherwood Survey, Abstract No. 193 and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the Northwesterly most corner of Lot 8 in said Northcrest Estates II, said point also being the Southwesterly most corner of Tract 1-2, a 12.79 acre tract of land owned by Kenneth Dejarnett, out of the J. Sherwood Survey, Abstract No. 193;

THENCE N88°32'47"E along the North line of said Northcrest Estates II for a distance of 1498.05 feet to a point for a corner in the centerline of Stodgehill Road (F.M. 549), said point also being in a circular curve to the right having a central angle of 29°29'03", a radius of 777.08 feet, and a tangent of 204.47 feet;

THENCE along said circular curve to the right and continuing along said centerline of F.M. 549 for an arc distance of 399.88 feet to a point of tangency;

THENCE S00°41'35"E continuing along the said centerline of F.M. 549 for a distance of 90.56 feet to a point for a corner;

THENCE S88°32'47"W, departing said centerline of F.M. 549 and following along the South line of said Northcrest Estates II for a distance of 1425.03 feet to a point for a corner at the Southwesterly most corner of said Northcrest Estates II;

9/1/2004

Exhibit "A"

Z2004-026: Rezoning of Northeast Annexation Area
Legal Description – Tracts 1 through 5

THENCE N01°48'37"W along the West line of said Northcrest Estates II for a distance of 480.01 feet to the Point of Beginning and containing 15.884 acres (691,907 square feet) of land more or less.

Tract 5
(SF-E/2.0) Single Family Estate District

BEING a 6.138 acre tract of land and including all of Tract 7-6, a 3.808 acre tract of land out of the J. Sherwood Survey, Abstract No. 193 in Rockwall County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the centerline of Stodgehill Road (F.M. 549), said point being at the intersection of said F.M. 549 and the North line of N. Country Lane;

THENCE S69°14'26"W, along the said centerline of F.M. 549 for a distance of 438.28 feet to a point of curvature of a circular curve to the left having a central angle of 38°39'28", a radius of 777.08 feet, and a tangent of 272.57 feet;

THENCE along said curve to the left for an arc distance of 524.30 feet to a point for a corner;

THENCE S88°32'47"W, departing said centerline of F.M. 549 and following along the North line of Lot 14 in Northcrest Estates II, a 14.45 acre tract out of the J. Sherwood Survey, Abstract No. 193 for a distance of 86.23 feet to a point for a corner at the Southwesterly most corner of said Tract 7-6;

THENCE N01°27'13"W, along the West line of said Tract 7-6 for a distance of 621.55 feet to a point for a corner in the North line of said N. Country Lane;

THENCE N89°00'30"E, along the said North line of N. Country Lane for a distance of 191.74 feet to a point for a corner;

THENCE N87°11'12"E, continuing along the said North line of N. Country Lane for a distance of 462.36 feet to a point of curvature of a circular curve to the right having a central angle of 31°46'56", a radius of 303.27 feet, a tangent of 86.34 feet;

THENCE along said curve to the right for an arc distance of 168.22 feet to a point for a corner;

THENCE S35°33'58"E, continuing along the said North line of N. Country Lane for a distance of 46.47 feet to a point for a corner at the intersection of the said North line of N. Country Lane and the West line of said F.M. 549;

THENCE S26°45'18"E for a distance of 40.00 feet to the Point of Beginning and containing 6.138 acres (267,371 square feet) of land more or less.