

CITY OF ROCKWALL

ORDINANCE NO. 05-16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG), AGRICULTURAL DISTRICT TO (SF-16) SINGLE FAMILY RESIDENTIAL DISTRICT AND (NS), NEIGHBORHOOD SERVICE DISTRICT, ON A TRACT OF LAND CONTAINING 121.2 ACRES AND KNOWN AS TRACT 2, ABSTRACT 88, J.M. GASS SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 (Ag) Agricultural district to (SF-16) Single Family Residential district and (NS) Neighborhood Service district has been requested by Kimley-Horn and Associates, for a 121.2-acre tract of land known as Tract 2, Abstract 88, J.M. Gass Survey, and more specifically described as Exhibit "A" attached hereto and made a part hereof; 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 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 (Ord. 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 on a 121.2-acre tract of land known as Tract 2, Abstract 88, J.M. Gass Survey, and more specifically described as Exhibit "A" from (Ag) Agricultural district to (SF-16) Single Family Residential district and (NS) Neighborhood Service district, and;

**Section 2.** That the 16.4-acre tract described in Exhibit "A" as Lot 32, Block A, shall be used only in the manner and for the purposes provided for in **Article V, Section 4.3, Neighborhood Service District** of the Unified Development Code 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 remaining 104.8-acres described in Exhibit "A" shall be used only in the manner and for the purposes provided for in **Article V, Section 3.3, Single Family Residential District** of the Unified Development Code 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 4.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

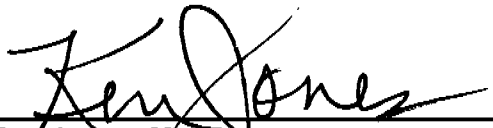
**Section 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such 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 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.

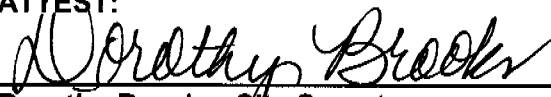
**Section 7.** That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 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.

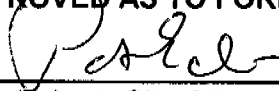
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4<sup>th</sup> day of April, 2005.**

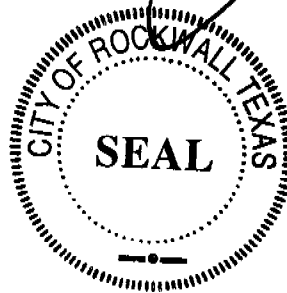
  
\_\_\_\_\_  
Ken Jones, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Dorothy Brooks, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Pete Eckert, City Attorney



**1<sup>st</sup> Reading: March 21, 2005**

**2<sup>nd</sup> Reading: April 4, 2005**

## EXHIBIT "A"

### LEGAL DESCRIPTION NELSON LAKE ADDITION 121.2± ACRES

All that certain lot, tract or parcel of land situated in the J.M. GLASS SURVEY, ABSTRACT NO. 88, Rockwall County, Texas, and being all of that tract of land as described in a Warranty deed from Charles I. Cheshire to Marvin Menaker, Trustee, dated April 23, 1980, and being recorded in Volume 154, Page 625 of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod found for corner at the East cut back corner at the intersection of the East right-of-way line of F.M. Highway 1141 ( 80' R.O.W. ) with the South right-of-way line of F.M. Highway 552 ( 80' R.O.W. ) ;

**THENCE** along the South right-of-way line of said F.M. Highway 552 the following:

S. 89 deg. 44 min. 00 sec. E. ( Controlling bearing ) a distance of 1681.27 feet to a 1/2" iron rod found for corner;

N. 88 deg. 45 min. 05 sec. E. a distance of 700.30 feet to a tack found in wood monument for corner;

N. 54 deg. 06 min. 00 sec. E. a distance of 77.79 feet to a 1/2" iron rod found for corner;

**THENCE** S. 87 deg. 51 min. 31 sec. E. leaving the South line of said F.M. Highway 552, a distance of 156.34 feet to a 1/2" iron rod set for corner at the base of a fence corner post for corner at the Northeast corner of said Menaker tract;

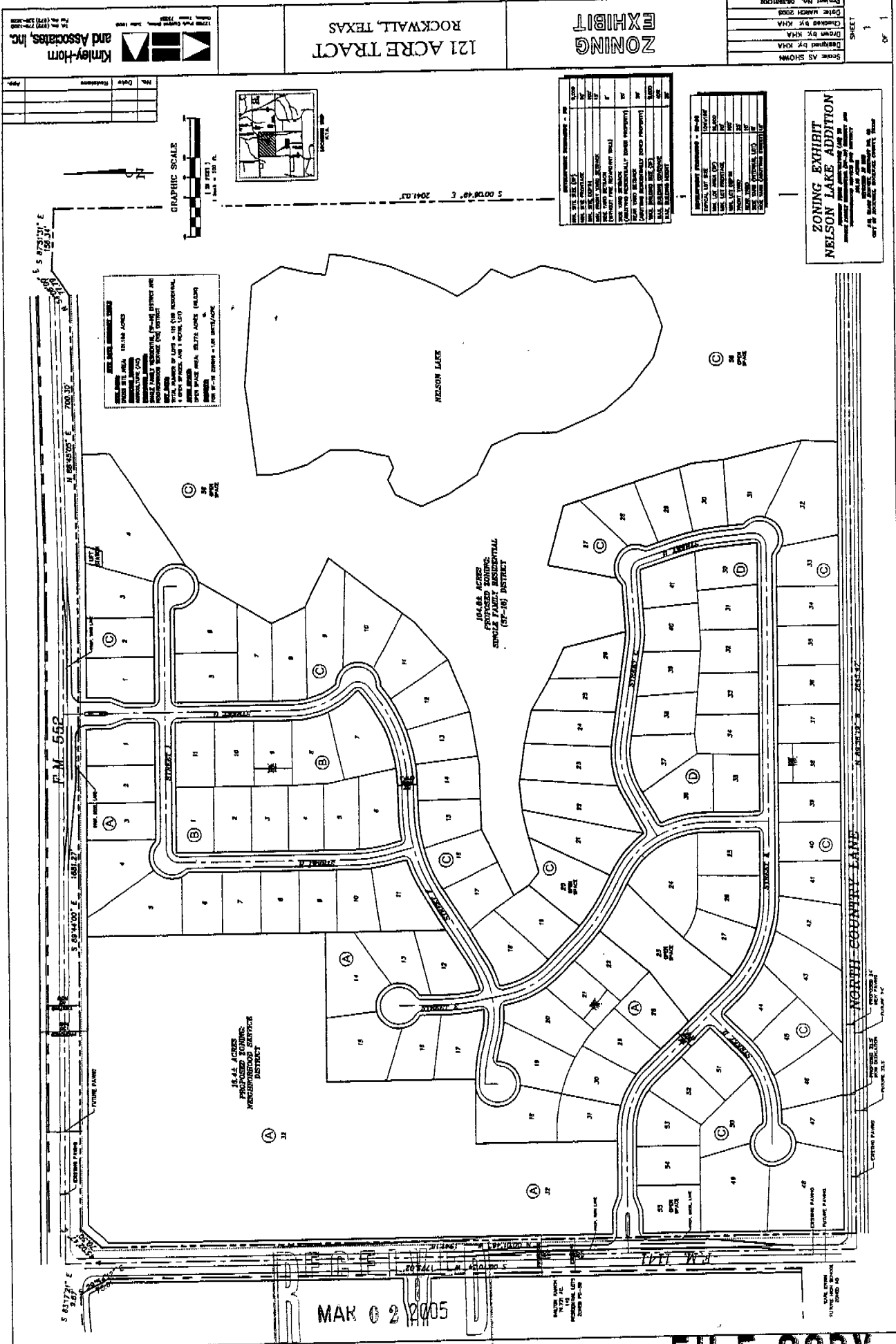
**THENCE** S. 00 deg. 06 min. 49 sec. E. along the East line of said Menaker tract a distance of 2041.03 feet to a 3/8" iron rod found for corner in the center of North Country Lane ( county road ) ;

**THENCE** N. 89 deg. 56 min. 19 sec. W. along and near said center of North Country Lane a distance of 2645.47 feet to a 1/2" iron rod found for corner at the Southwest corner of said Menaker tract at the intersection of the center of said road with the East right-of-way line of said F.M. Highway 1141;

**THENCE** N. 00 deg. 01 min. 46 sec. W. with the East right-of-way line of said F.M. Highway 1141 a distance of 1941.16 feet to a 1/2" iron rod found for corner;

**THENCE** N. 45 deg. 02 min. 47 sec. E. along the East right-of-way line of said highway a distance of 70.50 feet to the POINT OF BEGINNING and containing 121.16 acres or 5,277,595 square feet of land.

# EXHIBIT "A"



By 22005-007  
 MAR 02 2005

**FILE COPY**

# Advertising Receipt

**Rockwall County News**

316 S Goliad, Ste 107  
PO BOX 819  
Rockwall, TX 75087  
Phone: 972-722-3099  
Fax: 972-722-3096

ROCKWALL, CITY OF-LEGALS ®  
ATTN: DOROTHY BROOKS  
385 SOUTH GOLIAD  
ROCKWALL, TX 75087

**Cust#:** 01100978-000  
**Ad#:** 17527749  
**Phone:** (972)771-7700  
**Date:** 06/17/05

**Ad taker:** 15      **Salesperson:** 6      **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	06/22/05	06/22/05	1	72.00		72.00

**Payment Reference:**

L# 223128, ORD 05-16

**Total:** 72.00  
**Tax:** 0.00  
**Net:** 72.00  
**Prepaid:** 0.00

**Total Due** 72.00

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ORDINANCE NO. 05-16**

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/s/ Ken Jones, Mayor

/s/ Dorothy Brooks, City Secretary

1st Reading: March 21, 2005

2nd Reading: April 4, 2005

# PUBLISHER'S AFFIDAVIT

## THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared Michael Gresham, who being by me duly sworn deposes and says that he is the Publisher of *Rockwall County News* and that 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.

Clipping (s)

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

June 22nd A.D. 2005

*Michael Gresham*

Michael Gresham  
Editor and Publisher

### SUBSCRIBED AND SWORN BEFORE ME

by Michael Gresham, who

- a) is personally known to me, or  
 b) provided the following evidence to establish his/her identity. \_\_\_\_\_

on the 23rd day of June, A.D. 2005  
to certify which witness my hand and seal of office.

*Patricia A. Shaw*

Notary Public, State of Texas

