

CITY OF ROCKWALL

ORDINANCE NO. 05-36

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 (SF-7), SINGLE FAMILY RESIDENTIAL DISTRICT TO (GR), GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING 0.4293 ACRES AND KNOWN AS 503 S. GOLIAD, 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 (SF-7) Single Family Residential district to (GR) General Retail district has been request by Kim Bihari of Greenpoint Capital, LP., for a 0.4293-acre tract of land known as 503 S. Goliad, 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 0.4293-acre tract of land known as 503 S. Goliad, and more specifically described as Exhibit "A" from (SF-7) Single Family Residential district to (GR) General Retail district, and;

Section 2. That the property described herein shall be used only in the manner and for the purposes provided for in **Article V, Section 4.4, General Retail 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 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 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 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 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 1st day of August, 2005.




William R. Cecil, Mayor

ATTEST:

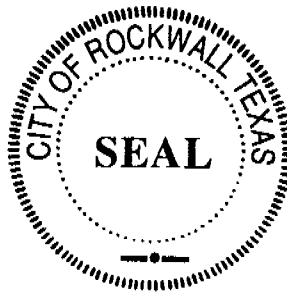


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 07-18-05 _____

2nd Reading: 08-01-05 _____

EXHIBIT "A"

Legal Description

BEING all that certain lot, tract or parcel of land situated in the B.F. BOYDSTUN SURVEY ABSTRACT NO. 14, Rockwall County, Texas, and being all of that tract of land conveyed to James Dudley by deed recorded in Volume 56, page 473 of the Rockwall County Deed Records, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found in the East line of Goliad Street, at the Northwest corner of a tract of land conveyed to Nan L. Smartt and Juliana L. Bond Co-Trustees of the Smartt Marital Deduction Trust, known as tract 2 as described by deed recorded in Volume 879, Page 15, Deed Records, Rockwall County, Texas, and being the Southwest corner of the herein described tract;

THENCE North along the East line of said Goliad Street, a distance of 120.00 feet to a 1/2 inch iron rod found for the Southwest corner of a tract of land conveyed to Shannon McCord, acting as an individual, by deed recorded in Volume 3451, Page 103, of the Deed Records, of Rockwall County, and being the Northwest corner of the herein described tract;

THENCE South 88 degrees 55 minutes 11 seconds East, along the South line of said McCord Tract, a distance of 153.98 feet to a 1/2 inch iron rod found for the Southeast corner of said McCord tract, the Southwest corner of a tract of land conveyed to Craig Merritt, by deed recorded in Volume 2263, Page 21, of the Deed Records, of Rockwall County, Texas, and the Northwest corner for a tract of land conveyed to William H. Migneault, Jr. and Melinda Beth Migneault, by deed recorded in Volume 2933, Page 260, of said deed records, and being the Northeast corner of the herein described tract;

THENCE South 01 degrees 39 minutes 20 seconds East, along the West line of said Migneault tract, a distance of 120.39 feet to a 1/2 inch iron pipe found for the Southwest corner of said Migneault tract and being in the North line of a tract of land conveyed to Nan L. Smartt and Juliana L. Bond, Co-Trustees of the Smartt Marital Deduction Trust known as tract 1 as described by deed record in Volume 879, Page 15, Deed Records, Rockwall County, Texas, and being the Southeast corner of the herein described tract;

THENCE North 88 degrees 49 minutes 07 seconds West, a distance of 157.46 feet to the POINT OF BEGINNING and containing 18,704.43 square feet or 0.4293 acres of land.

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#: 17530174
Phone: (972)771-7700
Date: 08/12/05

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

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	08/17/05	08/17/05	1	54.00		54.00

Payment Reference:

L 323325

Total: 54.00
Tax: 0.00
Net: 54.00
Prepaid: 0.00

Total Due 54.00

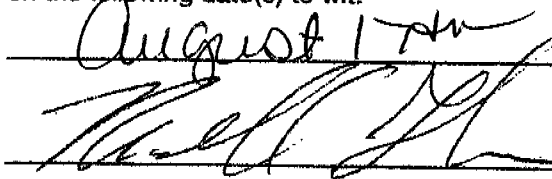
PUBLISHER'S AFFIDAVIT

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.

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

August 1st A.D. 2005


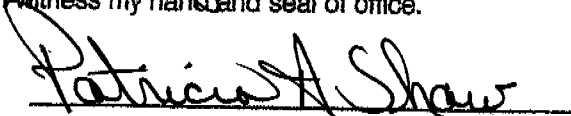
Michael Gresham
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

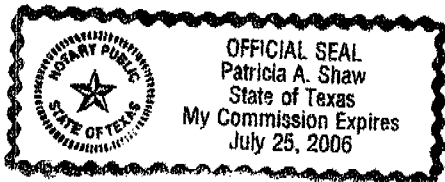
by Michael Gresham, who

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

on the 1st day of August, A.D. 2005
to certify which witness my hand and seal of office.



Notary Public, State of Texas



Legal Notices

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/s/ William R. Cecil, Mayor
 /s/ Dorothy Brooks, City Secretary
 1st Reading: 07-18-05
 2nd Reading: 08-01-05