

CITY OF ROCKWALL

ORDINANCE NO. 06-39

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 DISTRICT TO (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING 1.0 ACRE AND KNOWN AS B F BOYDSTUN, BLOCK 122, LOT D, AND LOCATED AT 105 OLIVE STREET, 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 AN EFFECTIVE DATE.

**WHEREAS**, a zoning change from (SF-7) Single Family district to (GR) General Retail district has been request by Brian A. Ryan for a 1.0-acre tract of land known as B F Boydston, Block 122, Lot D, and located at 105 Olive Street, and more specifically described herein as 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, 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 from (SF-7) Single Family district to (GR) General Retail district for a 1.0-acre tract of land known as B F Boydston, Block 122, Lot D, and located at 105 Olive Street, and more specifically described herein as Exhibit "A"; 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 offense 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.

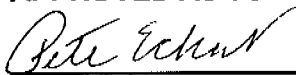
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2<sup>nd</sup> day of October, 2006.**

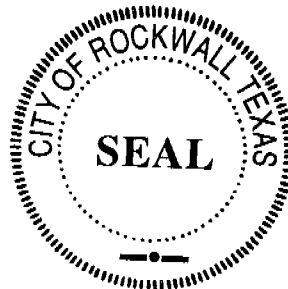
  
\_\_\_\_\_  
William R. Cecil, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



1<sup>st</sup> Reading: 09-18-06

2<sup>nd</sup> Reading: 10-02-06

## EXHIBIT "A"

74

A tract of land in the ATHERTON'S ADDITION, in the City of Rockwall, Rockwall County, Texas as described in the following description:

All that certain lot, tract or parcel of land situated in Rockwall County, Texas, and in the City of Rockwall, and being a part of that certain 97/100 acre tract of land conveyed to O.L. Steger by J.L. Briggs and wife, by deed dated July 3, 1936, of record in Vol. 32, Page 370, Deed Records of Rockwall County, Texas, the tract herein conveyed being described in metes and bounds as follows:

BEGINNING at the Southeast corner of a tract of land once owned by D.F. Snead and now owned by Hal Phelps, and being the Original SW corner of the original 97/100 acre tract above mentioned;

THENCE East with the North margin of Olive Street a distance of 150½ feet to an iron stake set for corner, being the SW corner of a lot conveyed off of said 97/100 to Eugene Payne by O.L. Steger, Sr., and wife by deed dated December 12, 1957, recorded in Vol. 57, Page 168 Deed Records of Rockwall County, Texas;

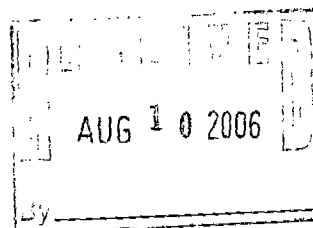
THENCE N 7½ deg. E with the West line of said Payne's lot a distance of 184 feet to his NW corner; and being on a N line of said original 97/100 acre lot;

THENCE N 85 West 99½ feet to the SW corner of a lot conveyed by M. A. Atherton to T. D. Townsend, now owned by Henry McCreary;

THENCE N 10½ deg. E with said McCreary lot 113 feet to corner;


THENCE N 82 deg. W 43 feet to corner;

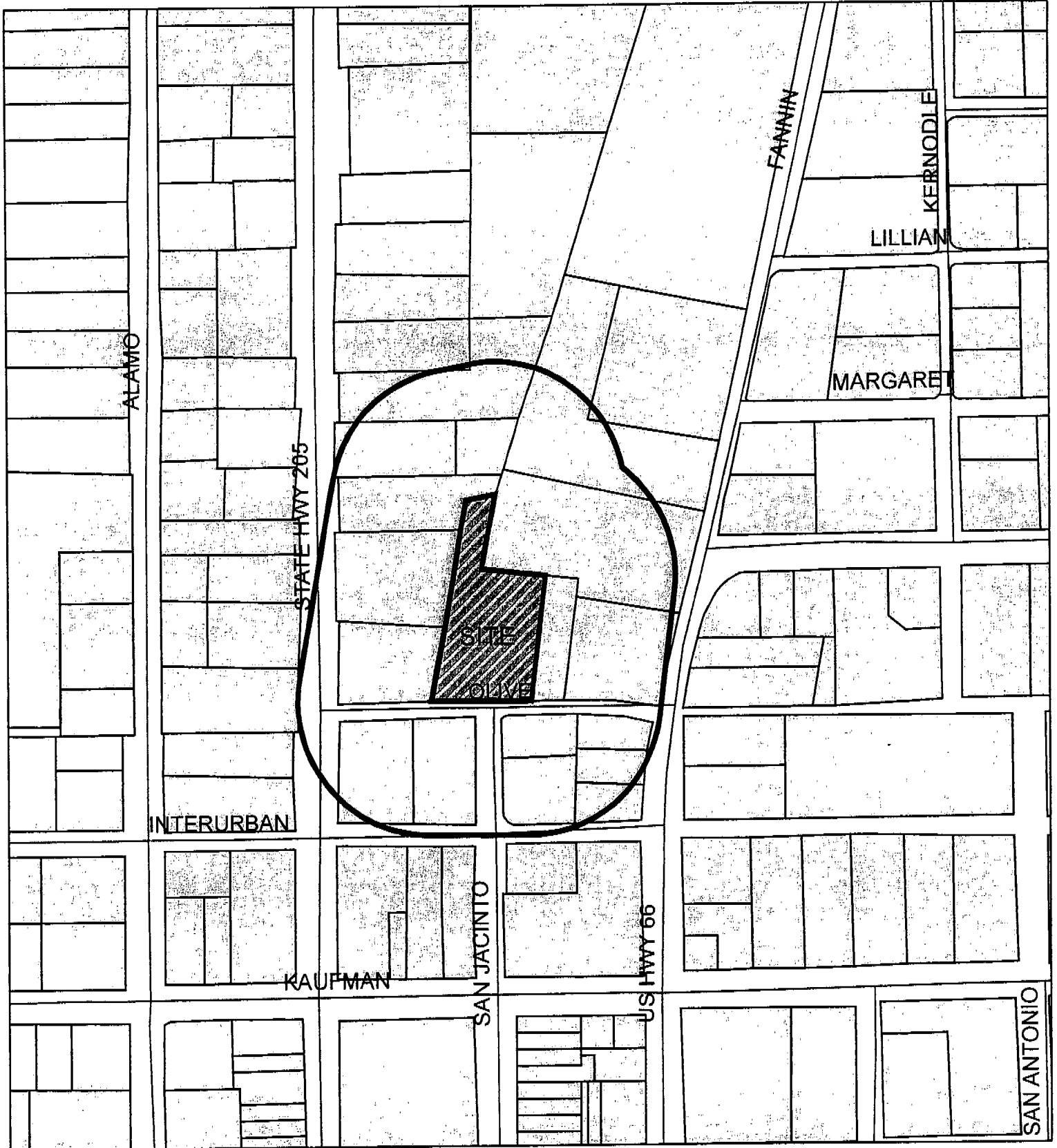
THENCE S. 10 deg. W with East line of a tract of land once owned by D.F. Snead 317 feet to the place of beginning.




# Legend



 200-ft Buffer



**N**  
  
**Location Map**  
**Z2006-016 (SF-7 TO GR)**  
**105 OLIVE**

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

# Advertising Receipt

**Terrell Tribune**  
Rockwall County News  
150 9th Street, P.O. Box 669  
Terrell, TX 75160  
Phone: (972) 563-6476  
Fax: (972) 563-0340

ROCKWALL, CITY OF-LEGALS @  
c/o Dorothy Brooks, City Secretary  
385 SOUTH GOLIAD  
ROCKWALL, TX 75087

**Cust#:** 01100978-000  
**Ad#:** 05500720  
**Phone:** (972)771-7700  
**Date:** 10/03/06

**Ad taker:** 11      **Salesperson:** 6      **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
02 ROCKWALL COUNTY NEWS	10/12/06	10/12/06	1	54.00		54.00

**Payment Reference:**

LG#223313  
ORDINANCE #06-39  
RCN= 10/12

**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 William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the 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 news paper on the following date(s) to wit:

October 12th A.D. 2006

William Jordan  
William Jordan  
Editor and Publisher

### SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

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

on the 18th day of October, A.D. 2006  
to certify which witness my hand and seal of office.

Patricia A. Shaw  
Notary Public, State of Texas



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/s/ William R. Cecil, Mayor  
/s/ Dorothy Brooks, City Secretary  
1st Reading: 09-18-06  
2nd Reading: 10-02-06