

ORDINANCE NO. 08-47

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-E/1.5) SINGLE FAMILY ESTATE DISTRICT, ON A 3.51-ACRE TRACT KNOWN AS TRACT 25, ABSTRACT 77, E. M. ELLIOTT SURVEY AND LOCATED AT 2180 AIRPORT ROAD, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" ATTACHED HEREIN; 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-E/1.5) Single Family Estate district has been requested by Andrew and Shelly Spearman for a 3.51-acre tract known as Tract 25, Abstract 77, E. M. Elliott Survey and located at 2180 Airport Road, and more specifically shown in Exhibit "A" attached herein; 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 (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district on a 3.51-acre tract known as Tract 25, Abstract 77, E. M. Elliott Survey and located at 2180 Airport Road, and more specifically shown in Exhibit "A" attached herein; 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 3.2, Single Family Estate 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.

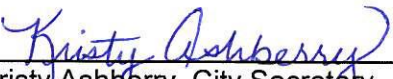
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of September, 2008.



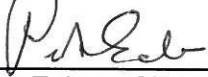
William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



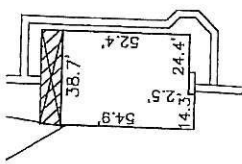
Pete Eckert, City Attorney

1st Reading: 08-18-08

2nd Reading: 09-02-08

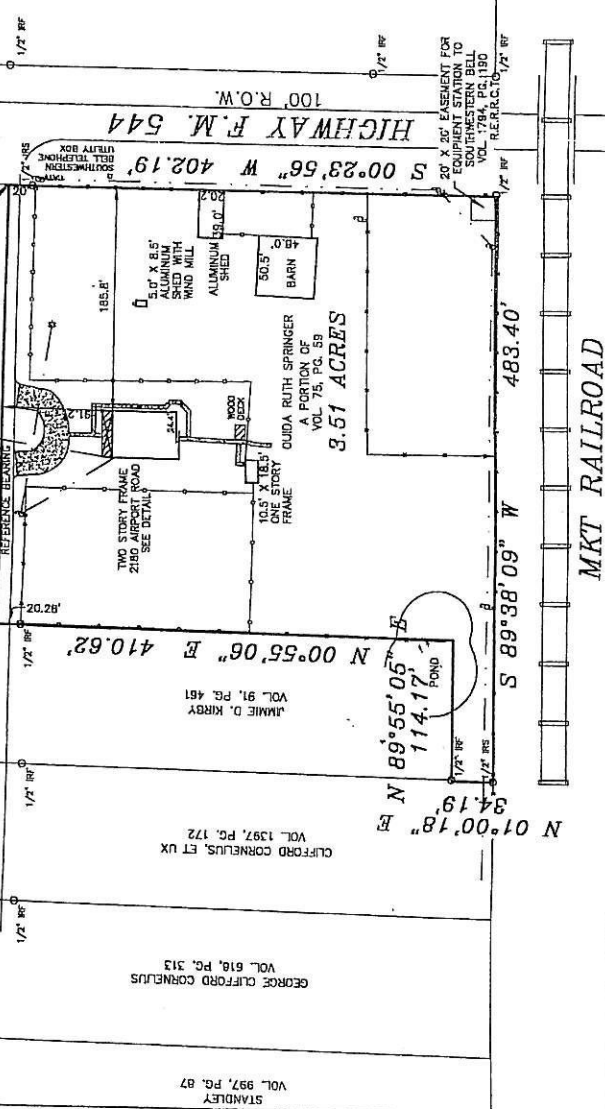


TWO STORY FRAME
2180 AIRPORT ROAD



POINT OF BEGINNING
AIRPORT ROAD

S 89°03'08" E-364.85'
AIRPORT ROAD



HIGHWAY F.M. 544
100' R.O.W.

MKT RAILROAD

GEORGE CURFORD CORNELIUS, ET UX
VOL. 616, PG. 313

STANDLEY
VOL. 997, PG. 87

CURFORD CORNELIUS, ET UX
VOL. 1397, PG. 122

JAMIE D. KIRBY
VOL. 91, PG. 461

TWO STORY FRAME
2180 AIRPORT ROAD
SEE DETAIL

ONE STORY FRAME
OUIDA RUTH SPRINGER
A PORTION OF
VOL. 75, PG. 59

3.51 ACRES

20' X 20' EASEMENT FOR
ELECTRIC LINES TO
SOUTHERN BELL
VOL. 1784, PG. 180
R.E.R.C.T. 10-17-78

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 2180 AIRPORT ROAD in the County of ROCKWALL, Texas, described as follows:

BEING a 3.51 acre tract of land situated in the F.M. ELLIOTT SURVEY, ABSTRACT NO. 77, Rockwell County, Texas, and being a part of a 27.373 acre tract of land described in deed to Ouida Ruth Springer, as recorded in Volume 75, Page 59, Deed Records, Rockwell County, Texas, and being more particularly described as follows:

BEGINNING at a point in the Northeast corner of said 27.373 acre tract and being at the centerline of Airport Road, said point also being in the West right-of-way line of Farm Market Road 549, a measured 100 foot right-of-way.

THENCE South 00 degrees 23 minutes 56 seconds West with the said West right-of-way line of F.M. Highway 549, passing at a distance of 20.00 feet a 1 / 2 inch iron rod with yellow plastic cap stamped "D.A.S. 4645" set for witness, and continuing for a total distance of 402.19 feet to a 1 / 2 inch iron rod found, said iron being in the North right-of-way line of the MKT Railroad;

THENCE South 89 degrees 38 minutes 09 seconds West with said North right-of-way line of the MKT Railroad, a distance of 483.40 feet to a 1 / 2 inch iron rod with yellow plastic cap stamped "D.A.S. 4645" set for corner;

THENCE North 01 degrees 00 minutes, 18 seconds East, a distance of 34.19 feet to a 1 / 2 inch iron rod found for corner,

THENCE North 89 degrees 55 minutes 05 seconds East, a distance of 114.17 feet to a point for corner;

THENCE North 00 degrees 55 minutes 06 seconds East generally along a fence line, passing at a distance of 390.34 feet a 1 / 2 inch iron rod found for witness and continuing for a total distance of 410.62 feet to a point for corner at the centerline of the aforesaid Airport Road;

THENCE South 89 degrees 03 minutes 08 seconds East (reference bearing), a distance of 364.85 feet to the POINT OF BEGINNING and containing 3.51 acres of land, more or less, of which 0.189 acres lie within the roadway.

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD PLAIN MAP OF THE COUNTY OF ROCKWALL UNINCORPORATED AREAS COMMUNITY PANEL NO. 480543 0045 B, MAP DATED 8/17/80 (ZONE "C").

BEARINGS BASED ON VOLUME 75, PAGE 59, D.R.R.C.T. (FIRST TRACT)

THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.
The plat hereon is a representation of an on the ground survey as dated theretofore, the lines and dimensions of said property being indicated, the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property set back from property lines the distance indicated, all easements and other matters of record with which I have been advised are as shown hereon. This survey was performed in connection with the transaction described in G.F. No. 200202581 of Rockwell Co. Abstract. Use of this survey for any other purpose or by any other parties shall be at their own risk and the undersigned is not responsible to any others for any loss resulting therefrom.

Registering Professional
Landy Surveyor

OUIDA SPRINGER
VOL. 590, PG. 167

THE FOLLOWING EASEMENTS ARE BLANKET EASEMENTS:
1) VOL. 48, PG. 124, D.R.R.C.T.
2) VOL. 50, PG. 422, D.R.R.C.T.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:
1) VOL. 60, PG. 18, D.R.R.C.T.
2) VOL. 77, PG. 423, D.R.R.C.T.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:
1) VOL. 104, PG. 405, D.R.R.C.T.

22008 01 FILE COPY

DANIEL A. SMITH, INC.
308 N. GALLOWAY, SUITE 107
MESQUITE, TEXAS 75150
(972) 216-3334 FAX (972) 216-3922



Job No. 5614
Date: 04/15/02
Scale: 1" = 100'
Drawn by: JWR

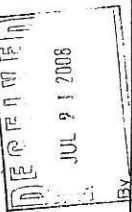


Exhibit "A"