

**ORDINANCE NO. 08 - 60**

**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 1.97-ACRE TRACT KNOWN AS PART OF TRACT 26-2, ABSTRACT 77, E. M. ELLIOTT SURVEY 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 Von and Carolyn Maynard for a 1.97-acre tract known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, City and County of Rockwall, Texas, 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 1.97-acre tract known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, City and County of Rockwall, Texas, 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 3rd day of November, 2008.**

  
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William R. Cecil, Mayor

**ATTEST:**

  
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Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
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Pete Eckert, City Attorney

1<sup>st</sup> Reading: 10-20-08

2<sup>nd</sup> Reading: 11-03-08



# EXHIBIT A

## DESCRIPTION

All that certain lot, tract or parcel of land situated in the E.M. ELLIOTT SURVEY, ABSTRACT NO. 77, City of Rockwall, Rockwall County, Texas, and being a part of that 9.033 acres tract as described in a Warranty deed from Cal Cary and Betty Cary to Jess Devoll and Pat J. Devoll, dated September 18, 2000 and being recorded in Volume 1967, Page 79 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the West right-of-way line of F.M. Highway 549, said point being at the southeast corner of said Devoll tract;

THENCE N. 89 deg. 08 min. 37 sec. W. a distance of 492.01 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE N. 00 deg. 16 min. 26 sec. E. a distance of 176.69 feet to a 1/2" iron rod found for corner;

THENCE S. 89 deg. 14 min. 03 sec. E. a distance of 492.00 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE S. 00 deg. 16 min. 26 sec. W. along said right-of-way line, a distance of 177.47 feet to the POINT OF BEGINNING and containing 2.00 acres of land.

## 30 FOOT ACCESS EASEMENT

BEING a 30 foot wide access easement across that certain lot, tract or parcel of land situated in the E.M. ELLIOTT SURVEY, ABSTRACT NO. 77, City of Rockwall, Rockwall County, Texas, and being a part of that 9.033 acres tract as described in a Warranty deed from Cal Cary and Betty Cary to Jess Devoll and Pat J. Devoll, dated September 18, 2000 and being recorded in Volume 1967, Page 79 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the West right-of-way line of F.M. Highway 549, said point being N. 00 deg. 16 min. 26 sec. E., 177.47 feet from a 1/2" iron rod found for corner at the southeast corner of said Devoll tract;

THENCE N. 89 deg. 14 min. 03 sec. W. a distance of 370.31 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner;

THENCE N. 00 deg. 16 min. 26 sec. E. a distance of 30.00 feet to a 1/2" iron rod found for corner;

THENCE S. 89 deg. 14 min. 03 sec. E. a distance of 370.31 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the west right-of-way line of F.M. Highway 549;

THENCE S. 00 deg. 16 min. 26 sec. W. a distance of 30.00 feet to the POINT OF BEGINNING and containing 11,109 square feet or 0.26 acres in said access easement.