

CITY OF ROCKWALL

ORDINANCE NO. 14-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO SINGLE FAMILY ESTATE (SF-E/4.0) DISTRICT FOR A 7.969-ACRE TRACT OF LAND SITUATED IN THE WILLIAM DALTON SURVEY, ABSTRACT NO. 72, AND LOCATED AT 941 CORNELIUS ROAD, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; 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, the City has received a request from Gregory D. Ollom for an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a change in zoning from an Agricultural (AG) District to a Single Family Estate (SF-E/4.0) District for a 7.969-acre tract of land situated in the William Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, and located at 941 Cornelius Road, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference 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 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 [Ordinance 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 an Agricultural (AG) District to a Single Family Estate (SF-E/4.0) District for the *Subject Property*; and

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Section 3.2, "Single Family Estate (SF-E) District", Article V, "District Development Standards", 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 the 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 ordinance 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, ON THIS THE 19th DAY OF May, 2014.



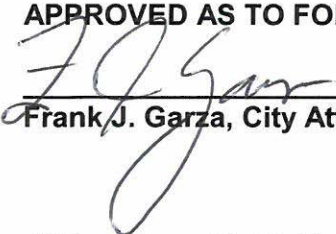
David Sweet, Mayor

ATTEST:



Jacky Casey, Assistant City Secretary

APPROVED AS TO FORM:



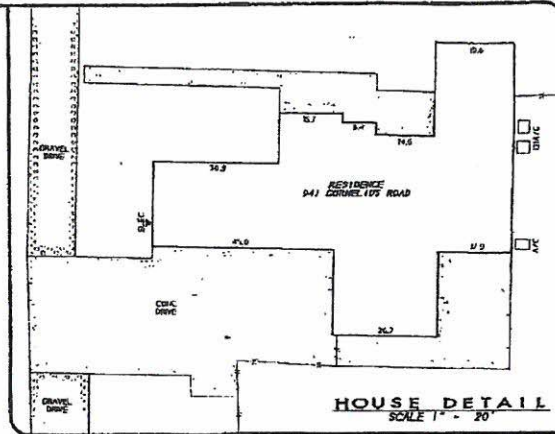
Frank J. Garza, City Attorney



1st Reading: 05-05-14

2nd Reading: 05-19-14

Exhibit 'A' (cont.)



DESCRIPTION

All that certain lot, tract or parcel of land situated in the WILLIAM DALTON SURVEY, ABSTRACT NO. 12, Rockwall County, Texas, and being all of that 7.969 acres tract as described in a Warranty deed from James L. Rothbarger and Henry L. Rothbarger to Timothy Gray and wife, Kelly Gray, dated September 30, 2003 and being recorded in Volume 3251, Page 262 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING of a 1/2" iron rod found for corner at the Southwest corner of said 7.969 acres tract and being in the South line of a tract as described in a Warranty deed to Dean W. Hery, Sr. as recorded in Volume 111, Page 1005 of the Deed Records of Rockwall County, Texas, said point being N. 89 deg. 32 min. 30 sec. E. 272.84 feet from the Southwest corner of same;

THENCE N. 00 deg. 21 min. 45 sec. E. a distance of 1238.01 feet to a 3/8" iron rod found for corner in the South right-of-way line of Cornelius Road;

THENCE S. 88 deg. 35 min. 37 sec. E. along the South line of Cornelius Road, a distance of 281.86 feet to a 3/8" iron rod found for corner;

THENCE S. 00 deg. 22 min. 21 sec. W. (Controlling bearing line) a distance of 1233.12 feet to a 3/8" iron rod found for corner in the South line of said Henry tract at the Southeast corner of said 7.969 acres tract;

THENCE S. 89 deg. 03 min. 17 sec. W. a distance of 80.31 feet to a 1/2" iron rod found for corner;

THENCE S. 89 deg. 32 min. 30 sec. W. a distance of 201.18 feet to the POINT OF BEGINNING and containing 7.969 acres of land.

NOTES

- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 480543 0035 B dated Sept. 17, 1990, this property lies in Zone X. This property does not appear to be within a 100-year flood plain.
- 2) BEARING SOURCE: RECORDED DEED IN VOL. 3251, PG. 262, R.P.R.R.C.T.
- 3) ALL 1/2" IRs ARE CAPPED WITH YELLOW PLASTIC CAPS "PLS.O.L.I RPLS 5034."

SURVEYOR'S CERTIFICATE

I, Harold D. Felly, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for HERITAGE TITLE COMPANY, LONG BEACH MORTGAGE, and TIMOTHY AND KELLY GRAY, at 241 CORNELIUS ROAD, ROCKWALL COUNTY, TEXAS, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found of the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1982 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 24th day of October, 2005.

[Signature]
 HAROLD D. FELLY III, R.P.L.S., No. 5034



STAKE LEGEND	
①	3/8" IR
②	1/2" IR
③	5/8" IR
④	1" IR
⑤	1 1/2" IR
⑥	2" IR
⑦	3" IR
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⑱	100" IR

R.S.C.I.
 ROCKWALL SURVEYING AND SURVEYING

ACCEPTED BY _____ DATE _____