

CITY OF ROCKWALL

ORDINANCE NO. 15-04

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 A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 21.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE N.M. BALLARD SURVEY, ABSTRACT NO. 24, CITY AND COUNTY OF ROCKWALL, 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 Zack Amick of Gordon Rockwall Investments, LLC, 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 Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract 4 of the N.M. Ballard Survey, Abstract No. 24, City and County of Rockwall, Texas, and more specifically described in Exhibit "A" of this ordinance, 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 Light Industrial (LI) 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 a Light Industrial (LI) District as stipulated by *Section 1.1, "Use of land and buildings", Article IV, "Permissible Uses", and in Section 5.3, "Light Industrial (LI) 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.

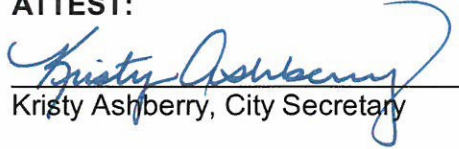
**Section 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**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 2nd DAY OF February, 2015.**

  
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Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: 01-20-15

2<sup>nd</sup> Reading: 02-02-15

**Exhibit 'A':**  
*Legal Description*

"Exhibit A"

TRACT 1  
DESCRIPTION OF THE NET OF THE PROPERTY SURVEYED

BEING a 21.684-acre portion of a called 22.303-acre tract of land described in the deed from Thomas E. Haack to Thomas Real Estate, L.P. dated November 12, 1998, and recorded in Volume 1507, at Page 203 of the Deed Records of Rockwall County, Texas (DRRCT) and being situated in the N.M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, and also being part of a called 25.281-acre tract of land described in the deed from Haldeman, Inc. to Buddy R. Haldeman dated the 20th day of March, 1984, and recorded in Volume 193, at Page 406 DRRCT and being more particularly described as follows:

BEGINNING at a 1/2-inch steel rod found at the intersection of the northeasterly right-of-way line of High School Drive (a variable width right-of-way commonly known as T.L. Townsend Drive) with the easterly line of Bodin Industrial Tract according to the plat thereof recorded in Cabinet A, on Slide 347 of the DRRCT said 1/2-inch steel rod also marking the most southerly or southeasterly corner of a 1-acre lot, tract or parcel described in the deed from James Valk et ux to James Valk, Sr. et al dated the 23rd day of March, 2010, and recorded in Volume 6070, at Page 268 DRRCT, and having coordinates of:  
X. 2,600,974.41 U. S. Survey Feet  
Y. 7,019,534.15 U. S. Survey Feet;

THENCE:

- N 00°21'13"W with the westerly line of the 22.303-acre tract and with easterly line of the last mentioned Bodin Industrial Tract at a distance of 304.86 feet pass 1/2-inch steel rod found
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 376.39 feet pass one foot west of a 1/2-inch steel rod found
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 863.78 feet pass a 3/8-inch steel rod found marking the northeasterly corner of a 1-acre tract or parcel of land described in the deed from John W. McDaniel et ux to IRT Construction, Inc., dated December 31, 1997, and recorded in Volume 1314, at Page 250 of the DRRCT
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 71.85 feet for a total distance of 1,616.88 feet (called: 1,625.74 feet) to a 1/2-inch steel rod found for the southwest corner of a 2.16-acre tract of land described in the deed from Cibola Properties, Ltd, to Rockwall Credit Services, L.C. dated September 30, 2005, and recorded in Volume 4314, at Page 34 DRRCT;

THENCE N 89°22'30"E with the northerly line of the 22.303-acre tract and the southerly line of the last mentioned 2.16-acre Rockwall Credit Services tract at a distance of 153.71 feet pass a 3/8-inch steel rod marking the southeast corner of said 2.16-acre tract the same being the southwest corner of a 4.922-acre tract described in the deed from Marty K. Salley et vir to Gordon Rockwall Investments, LLC dated 2nd day of October, 2012, and recorded in Volume 6959, at Page 100 DRRCT and continuing on the same course with the northerly line of the 22.303-acre tract and the southerly line of the last mentioned 4.922-acre tract an additional distance of 317.00 feet for a total distance of 470.71 feet to a 3/8-inch steel rod found marking the southeast corner of said 4.922-acre tract;

THENCE N 68°46'16"E with the northerly line of the 22.303-acre tract for a distance of 63.21 feet to a 1/2-inch steel rod found in the westerly boundary line of Rockwall Recreation Addition according to the plat thereof recorded in Cabinet F, on Slide 379 DRRCT;

THENCE S 00°35'03"E with the westerly boundary line of said Rockwall Recreation Addition for a distance of 433.41 feet to a 5/8-inch steel rod found for the southwest corner of said addition;

**Exhibit 'A':**  
*Legal Description*

THENCE N 89°28'30"E with a northerly line of the 22.303-acre tract and departing the Rockwall Recreation Addition for a distance of 261.25 feet to a 5/8-inch steel rod for its most easterly northeast corner from which a 1/2-inch steel rod marking the southeast corner of said Rockwall Recreation Addition bears N 01°02'39"W a distance of 24.60 feet;

THENCE S 00°31'33"E with the easterly line of said 22.303-acre tract at a distance of 389.26 feet pass 7.5 feet west of a Flood Plain Monument called on Sheet 2 of 6 of the plat of the Mansions Senior Addition according to the plat thereof recorded in Cabinet G, on Slide 389-394 DRRCT and continue on the same course and with the easterly line of said 22.303-acre tract for an additional distance of 378.14 feet for a total distance of 767.40 feet to a point on the platted northerly line of Lot 1, Block 1 Houser Addition according to the plat thereof recorded in Cabinet B, at Slide 174 of the Map Records of Rockwall County, Texas, and being N 73°16'24"W a distance of 8.07 feet from the northeast corner of said Lot 1;

THENCE generally along the high bank of Buffalo Creek the following six (6) courses and distances:

- N 41°18'30"W a distance of 74.72 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 86°07'24"W a distance of 102.81 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 69°01'44"W a distance of 61.40 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 62°32'37"W a distance of 38.24 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 41°12'23"W a distance of 70.66 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 80°55'55"W a distance of 79.86 feet to the northwest corner of said Lot 1, Block 1 Houser Addition, from which a 1/2-inch steel rod found bears S 00°13'03"E a distance of 40.51 feet and a 5/8-inch steel rod set in the thread of Buffalo Creek with an orange plastic cap stamped "R-DELTA ENGINEERS" bears N 20°W a distance of 0.45 feet;

THENCE with the thread of said Buffalo Creek the following eight (8) courses and distances:

- S 74°05'53"W a distance of 31.97 feet;
- N 34°02'33"W a distance of 39.97 feet;
- S 73°38'14"W a distance of 97.75 feet;
- S 02°51'37"W a distance of 93.25 feet;
- S 16°31'48"E a distance of 69.66 feet;
- S 24°26'02"W a distance of 76.47 feet;
- S 38°41'24"W a distance of 251.24 feet;
- S 57°43'03"W a distance of 62.30 feet to a point on the northeasterly right-of-way line of High School Drive;

THENCE N 35°21'16"W with the northeasterly right-of-way line of High School Drive a distance of 87.69 feet to the PLACE OF BEGINNING and containing 944,552 square feet or 21.684 acres of land.