

ORDINANCE NO. 85

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "I-1" INDUSTRIAL DISTRICT CLASSIFICATION TO "LR" LOCAL RETAIL DISTRICT CLASSIFICATION, SAID TRACT BEING DESCRIBED AS FOLLOWS: TRACT I: BEING A TRACT OF LAND 2.42 ACRES, MORE OR LESS, OUT OF THE JOSIAH PANCOAST SURVEY, ABSTRACT NO. 1146, NOW LOCATED IN THE TOWN OF ADDISON, TEXAS AND BEING MORE FULLY DESCRIBED AS FOLLOWS: (AREA EXCLUDES BELT LINE R.O.W.): BEGINNING AT A POINT IN A PROPERTY LINE LOCATED 2413 FEET EAST OF THE NORTHWEST CORNER OF THE E. FIKE SURVEY, ABSTRACT 478, WHICH IS ALSO THE NORTHEAST CORNER OF THE THOMAS L. CHENOWITH SURVEY AND WHICH BEGINNING POINT IS THE NORTHWEST CORNER OF A 10 ACRE TRACT OF LAND CONVEYED TO NOELL RATHER BY FANNIE NOEL (NOW RATHER); THENCE SOUTH ALONG SAID PROPERTY LINE THE SAME BEING THE WEST LINE OF SAID 10 ACRE TRACT, A DISTANCE OF 370 FEET TO A POINT FOR CORNER; THENCE EAST A DISTANCE OF 330 FEET TO A POINT FOR CORNER; THENCE NORTH ALONG A LINE 330 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE AFORESAID 10 ACRE TRACT CONVEYED TO NOELL RATHER, A DISTANCE OF 370 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF BELT LINE ROAD; THENCE ALONG SAID CENTERLINE A DISTANCE OF 330 FEET TO THE PLACE OF BEGINNING; AND SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "I-1" INDUSTRIAL DISTRICT CLASSIFICATION TO "A" APARTMENT DISTRICT CLASSIFICATION, SAID TRACT BEING DESCRIBED AS FOLLOWS: TRACT II: BEING A TRACT OF LAND 17.19 ACRES MORE OR LESS OUT OF THE JOSIAH PANCOAST SURVEY, ABSTRACT NO. 1146, NOW LOCATED IN THE TOWN OF ADDISON, TEXAS AND BEING A STRIP OF GROUND BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 370 FEET OF THE CENTERLINE OF BELT LINE ROAD, IN A PROPERTY LINE LOCATED 2413 FEET EAST OF THE NORTHWEST CORNER OF THE E. FIKE SURVEY, ABSTRACT 478, WHICH IS ALSO THE NORTHEAST CORNER OF THE THOMAS L. CHENOWITH SURVEY AND WHICH BEGINNING POINT IS 370 FEET SOUTH OF THE NORTHWEST CORNER OF A 10 ACRE TRACT OF LAND CONVEYED TO NOELL RATHER BY FANNIE NOEL

(NOW RATHER); THENCE SOUTH ALONG SAID PROPERTY LINE, THE SAME BEING THE WEST LINE OF SAID 10 ACRE TRACT, A DISTANCE OF 2270 FEET TO A POINT FOR CORNER IN THE SOUTH LINE AND THE SOUTHWEST CORNER OF A 70 ACRE TRACT OF LAND CONVEYED TO HATTIE NOELL BY S. S. NOELL, HER FATHER, BY DEED DATED MARCH 2, 1915, AND RECORDED IN VOLUME 641, PAGE 402 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE EAST ALONG THE SOUTH LINE OF SAID 70 ACRE TRACT A DISTANCE OF 330 FEET TO A POINT FOR CORNER; THENCE NORTH ALONG A LINE 330 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE AFORESAID 10 ACRE TRACT CONVEYED TO NOELL RATHER, SAME BEING THE WEST LINE OF ABOVE SAID 70 ACRE TRACT, A DISTANCE OF 2270 FEET TO A POINT FOR CORNER; THENCE WEST A DISTANCE OF 330 FEET TO THE PLACE OF BEGINNING; PROVIDING THAT THE ABOVE DESCRIBED TRACTS SHALL BE USED ONLY FOR THE PURPOSES PROVIDED FOR BY THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Zoning Commission of the City of Addison and the governing body of the City of Addison, in compliance with the State Laws with reference to the granting of zoning classifications and regulations, have given the requisite notices by publication and otherwise and after holding due hearing and affording a fair and full hearing to all the property owners generally and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Addison is of the opinion that the said zoning classification should be granted and that the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative discretion:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Addison be, and the same is hereby amended by amending the zoning map of the City of Addison so as to change the following

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described property from "I-1" Industrial District Classification to "LR" Local Retail District Classification:

TRACT I:

Being a tract of land 2.42 acres, more or less, out of the Josiah PanCoast Survey, Abstract No. 1146, now located in the Town of Addison, Texas and being more fully described as follows: (Area excludes Belt Line R.O.W.):

BEGINNING at a point in a property line located 2413 feet east of the northwest corner of the E. Fike Survey, Abstract 478, which is also the northeast corner of the Thomas L. Chenowith Survey and which beginning point is the northwest corner of a 10 acre tract of land conveyed to Noell Rather by Fannie Noel (now Rather);

THENCE south along said property line the same being the west line of said 10 acre tract, a distance of 370 feet to a point for corner;

THENCE east a distance of 330 feet to a point for corner;

THENCE north along a line 330 feet east of and parallel to the west line of the aforesaid 10 acre tract, conveyed to Noell Rather, a distance of 370 feet to a point for corner in the centerline of Belt Line Road;

THENCE along said centerline a distance of 330 feet to the place of beginning.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Addison be, and the same is hereby amended by amending the Zoning Map of the City of Addison so as to change the following described property from "I-1" Industrial District Classification to "A" Apartment District Classification:

TRACT II:

Being a tract of land 17.19 acres more or less out of the Josiah PanCoast Survey, Abstract No. 1146, now located in the Town of Addison, Texas and being a strip of ground being more fully described as follows:

BEGINNING at a point 370 feet of the centerline of Belt Line Road, in a property line located 2413 feet east of the northwest corner of the E. Fike Survey, Abstract 478, which is also the northeast corner of the Thomas L. Chenowith Survey and which beginning point is 370 feet south of the northwest corner of a 10 acre tract of land conveyed to Noell Rather by Fannie Noel (now Rather);

THENCE south along said property line, the same being the west line of said 10 acre tract, a distance of 2270 feet to a point for corner in the south line and the southwest corner of a 70 acre tract of land conveyed to Hattie Noell by S. S. Noell, her father, by deed dated March 2, 1915, and recorded in Volume 641, page 402 of the Deed Records of Dallas County, Texas;

THENCE east along the south line of said 70 acre tract a distance of 330 feet to a point for corner;

THENCE north along a line 330 feet east of and parallel to the west line of the aforesaid 10 acre tract conveyed to

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Noell Rather, same being the west line of abovesaid 70 acre tract, a distance of 2270 feet to a point for corner;

THENCE west a distance of 330 feet to the place of beginning.

SECTION 3. That all ordinances of the City of Addison in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Addison not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That the above described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Addison, as amended herein by the granting of this zoning classification.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalties provided for in the Comprehensive Zoning Ordinance of the City of Addison, as heretofore amended, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 7. WHEREAS, it appears that the above described property requires that it be given the above zoning classifications in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Addison and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires 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.

DULY PASSED by the City Council of the City of Addison, Texas, on the 11 day of June, 1968.

APPROVED:

MAYOR

DULY ENROLLED:

E. Lewis
CITY SECRETARY

APPROVED AS TO FORM:

H. Louis Deibel
CITY ATTORNEY