

ORDINANCE NO. 86

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY "LR" LOCAL RETAIL DISTRICT CLASSIFICATION, SAID TRACT BEING DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE COUNTY OF DALLAS, STATE OF TEXAS, OUT OF THE ELISHA FYKE SURVEY, ABSTRACT 478, AND BEING A PART OF A 20 ACRE TRACT CONVEYED TO HAROLD T. NESBITT BY C. R. BERRY, ET UX, DEED DATED JULY 26, 1945, AND RECORDED IN VOLUME 2576, PAGE 586 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING PART OF A 10.95 ACRE TRACT CONVEYED TO GEORGE J. Kaelber AND J. D. RODGERS, DEED DATED NOVEMBER 8, 1965, AND RECORDED IN VOLUME 695, PAGE 1631 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF DOOLEY ROAD, A 60 FOOT RIGHT OF WAY, SAID POINT BEING THE NORTHWEST CORNER OF A 103.3 ACRE TRACT CONVEYED TO JUSTIN McCARTY REALTY CORPORATION BY DELL SAMPLES BERRY, A WIDOW, INDEPENDENT EXECUTRIX OF THE ESTATE OF C. R. BERRY, DECEASED, BY DEED DATED MARCH 1, 1961, AND RECORDED IN VOLUME 5512, PAGE 401, DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE NORTH 89° 39" EAST WITH THE NORTH LINE OF THE ABOVE-MENTIONED McCARTY 103.3 ACRE TRACT, A DISTANCE OF 1767.70 FEET TO A POINT FOR CORNER IN THE EAST LINE OF THE AFOREMENTIONED RODGERS TRACT, THE SAME BEING THE WEST LINE OF THE MRS. HATTIE NOELL DENNIS TRACT DESCRIBED IN VOLUME 640, PAGE 645, DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE NORTH 0° 3" WEST, A DISTANCE OF 331.6 FEET TO A POINT FOR CORNER, SAID POINT BEING LOCATED 400 FEET SOUTH OF THE SOUTH LINE OF BELT LINE ROAD, THE SAME BEING A PRESENTLY ESTABLISHED ZONING DISTRICT LINE; THENCE WEST ALONG A LINE 400 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF BELT LINE ROAD, A DISTANCE OF APPROXIMATELY 1767 FEET, MORE OR LESS, TO A POINT FOR A CORNER IN THE EAST LINE OF DOOLEY ROAD; THENCE SOUTH 0° 21" EAST ALONG THE SAID LINE OF DOOLEY ROAD, A DISTANCE OF 406.97 FEET TO THE PLACE

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OF BEGINNING; PROVIDING THAT THE ABOVE DESCRIBED TRACT OF LAND SHALL BE USED ONLY FOR THE PURPOSES PROVIDED FOR BY THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$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 direction:

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 give the following described property an "LR" Local Retail District Classification:

BEING a tract of land situated in the County of Dallas, State of Texas, out of the Elisha Fyke Survey, Abst. No. 478, and being a part of a 20 acre tract conveyed to Harold T. Nesbitt by C. R. Berry, et ux, Deed dated July 26, 1945, and recorded in Volume 2576, Page 586 of the Deed Records of Dallas County, Texas, and being part of a 10.95 acre tract conveyed to George J. Kaelber and J. D. Rodgers, Deed dated November 6, 1965, and recorded in Volume 695, page 1631 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the East line of Dooley Road, a 60 foot right of way, said point being the northwest corner of a 103.3 acre tract conveyed to Justin McCarty Realty Corporation by Dell Samples Berry, a widow, Independent Executrix of the Estate of C. R. Berry, deceased, by deed dated March 1, 1961, and recorded in Volume 5512, page 401, Deed Records of Dallas County, Texas;

THENCE North 89° 39" West with the north line of the abovementioned McCarty 103.3 acre tract, a distance of 1767.70 feet to a point for a corner in the east line of the aforementioned Rodgers tract, the same being the west line of the Mrs. Hattie Noell Dennis tract described in Volume 640, page 645 of said Deed Records;

THENCE North 0° 3" West, a distance of 331.6 feet to a point for corner, said point being located 400 feet south of the south line of Belt Line Road, the same being a presently established zoning district line;

THENCE West along a line 400 feet south of and paralell to the south line of Belt Line Road, a distance of approximately 1767 feet, more or less, to a point for a corner in the east line of Dooley Road;

THENCE South 0° 21" East along the said line of Dooley Road, a distance of 406.97 feet to the PLACE OF BEGINNING.

Section 2. 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 3. 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 4. 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 5. 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 (\$200.00) Dollars for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

Section 6. WHEREAS, it appears that the above described property requires that it be given the above zoning classification 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 12 day of November, 1968.

APPROVED:

Mayor

DULY ENROLLED:

Edwin P. Lewis
City Secretary

APPROVED AS TO FORM:

Lawrence M. Jackson
City Attorney