

ORDINANCE NO. 167

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS
AMENDING THE COMPREHENSIVE ZONING ORDINANCE
OF THE CITY OF ADDISON, TEXAS AS HERETOFORE
AMENDED SO AS TO CHANGE THE HEREINAFTER
DESCRIBED PROPERTY FROM "R-1" SINGLE FAMILY
DWELLING DISTRICT CLASSIFICATION TO "A"
APARTMENT DISTRICT CLASSIFICATION; PROVIDING
FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00)
DOLLARS 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, Texas
in compliance with the laws of the State of Texas with reference
to the granting of zoning changes under the zoning ordinance and
zoning map, have given requisite notices by publication and
otherwise, and, after holding due hearings and affording a full
and fair hearing to all property owners generally and to the
persons interested and situated in the area, the City of Addison,
Texas, is of the opinion that the said change of zoning on
application of Robert S. Folsom Investments, Incorporated should
be granted and 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, Texas, be, and the same is hereby amended by amending the Zoning Map of the City of Addison so as to give the hereinafter described property the following zoning district classification, to-wit: "A" Apartment District Classification. Said property being in the City of Addison, Dallas County, Texas, and described as follows:

BEING part of Lot 6, and all of Lots 7, 8, 16, and 17, in Block B of Carroll Estates, an addition in the County of Dallas, now an addition to the Town of Addison, Texas, according to the map thereof recorded in Vol. 10, Page 473, Map Records of Dallas County, Texas, and part of Carroll Road as shown by plat of said Addition which was abandoned and reverted to adjacent and abutting lots in said Addition by virtue of Commissioners Court Order #15076, recorded in Vol. 40, Page 274 of the Minutes of Commissioners Court of Dallas County, Texas; that part of Lot 6 being all of said Lot 6, SAVE AND EXCEPT that part of Lot 6 described as follows:

BEGINNING at iron pin which marks Southeasterly corner of said Lot 6;

THENCE South 89 deg. 57' West with the South line

of said Lot 6 and Westerly prolongation thereof 656.9 feet to fence corner post in center line of abandoned Carroll Road;

THENCE North 0 deg. 5' West with fence line on center line of said abandoned Carroll Road 189.2 feet to point for corner;

THENCE North 89 deg. 55' East 656.4 feet to fence on East line of said Lot 6;

THENCE South 0 deg. 13' East with said fence 189.5 feet to the PLACE OF BEGINNING, and containing 2.86 acres of land, more or less.

THE ABOVE PROPERTY being more particularly described by metes and bounds in one tract as follows:

BEGINNING at a point in the West line of Addison Road (60 ft. R.O.W.) said point being the Northeast corner of Lot 18, Block B;

THENCE North $89^{\circ} 33' 10''$ West a distance of 631.0 ft. to an iron rod at an existing fence corner;

THENCE South $1^{\circ} 03' 40''$ East a distance of 148.0 ft. along an existing fence line to a concrete marker for a corner;

THENCE South $89^{\circ} 52' 0''$ West a distance of 655.40 ft. along the North line of the D. P. & L. Co. R.O.W.

to an iron rod for a corner in centerline of
abandoned Carroll Road;

THENCE North along the centerline of abandoned
Carroll Road and an existing line, a distance of
825.4 ft. to an iron rod for a corner intersecting
the Westerly prolongation of the North line of Lot
8, Block B from the Northwest corner of Lot 8, Block
B;

THENCE South $89^{\circ} 58' 52''$ East a distance of 1304.28
ft. along the North line of Lot 8 and Lot 16, Block
B to an iron rod at the Northeast corner of Lot 16,
Block B for a corner;

THENCE South $1^{\circ} 44' 45''$ West a distance of 677.0 ft.
along the West line of Addison Rd. to the Point of
Beginning and containing 22.313 acres of land;

and being the same property conveyed to Addison
Airport, Inc. by Industrial Instruments Corporation,
by Warranty Deed dated May 5, 1969, recorded in Vol.
69090, Page 0111, Deed Records of Dallas County, Texas;

SECTION 1-A. That the use on the property described
in Section 1 is hereby approved and granted upon the following
expressed conditions: That the applicant, Robert S. Folsom
Investments, Incorporated, shall dedicate to the City of Addison
for a public road, a twenty-five (25') foot roadway easement running

along the Northern boundary of the property in the East-to-West direction; and that said applicant in the immediate future shall execute an Option which shall give the City of Addison the right to purchase two (2) acres of land (the location of which shall be decided upon between the City of Addison and Robert S. Folsom Investments, Incorporated); said Option shall be for two (2) years, and said City shall have the right to acquire said land at Folsom Investments' initial cost, and said land shall be used by the City for municipal usage.

The above requirements shall not be construed as conditions precedent to the granting of a zoning change, but shall be construed as conditions precedent to the granting of a building permit and/or certificate of occupancy.

SECTION 2. That all ordinances of the City in conflict with the provisions of this Ordinance be, and the same are, hereby repealed and all other Ordinances of the City 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 in the Comprehensive Zoning Ordinance of the City as amended herein by the granting of this zoning classification.

SECTION 4. That should any paragraph, sentence, 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 penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of 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, 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 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 publication of the caption as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, on the 21st day of January, A.D., 1974.


MAYOR

ATTEST:

APPROVED AS TO FORM:

Charles Howard, City Secretary


Robert L. McCallum, City Attorney