

ORDINANCE NO. 730

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 PROPERTY HEREINAFTER DESCRIBED FROM "C" COMMERCIAL TO "LR" LOCAL RETAIL, CASE #636, TAX #1-15-0005 ON APPLICATION FROM ADELSTEIN'S PLAZA; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Zoning Commission of the City of Addison, Texas, 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 all person interested an situated in the area, the City of Addison, Texas, is of the opinion that the said change of zoning on application from Adelstein's Plaza, Case #636, Tax #1-15-0005, 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 following described property the following zoning district classification, to-wit: "LR" Local Retail District Classification.

TRACT I:

BEGINNING at a point, said point being in the intersection of the North right-of-way line of Arapaho Road (115 foot R.O.W. at this point) and the West right-of-way line of Dallas Parkway (200 foot R.O.W.);

THENCE South 72 degrees 05 minutes 09 seconds West along the North right-of-way of said Arapaho Road (80 feet R.O.W. at this point) for a distance of 103.88 feet to a point;

THENCE South 85 degrees 25 minutes 21 seconds West along the North right-of-way of said Arapaho Road (80 foot R.O.W. at this point) for a distance of 177.18 feet to a point, said point being the point of curvature of a curve to the left whose delta is 19 degrees 48 minutes 28 seconds and whose radius is 830.96 feet;

THENCE Southerly along said curve for a distance of 287.27 feet to a point;

THENCE North 26 degrees 03 minutes 54 seconds West for a distance of 410.51 feet to a point, said point also being located in the South right-of-way of St. Louis and Southwestern Railroad (100 foot R.O.W.);

THENCE North 66 degrees 12 minutes 00 seconds East along said South right-of-way of the St. Louis and Southwestern Railroad (100 foot R.O.W.), for a distance of 706.12 feet to a point, said point also being located in the West right-of-way line of said Dallas Parkway;

THENCE South 13 degrees 45 minutes 00 seconds East along said West right-of-way line of Dallas Parkway for a distance of 107.37 feet to a point, said point being the point of curvature of a curve to the right whose delta is 11 degrees 25 minutes 11 seconds and whose radius is 2191.83 feet;

THENCE Southerly along said curve for a distance of 436.86 feet to the point, said point also being the POINT OF BEGINNING;

CONTAINING 299,727.03 square feet or 6.881 acres of land.

TRACT II:

a 1.117 acre tract of land out of the G. W. Fisher Survey, Abstract No. 482 and the R. Wilburn Survey, Abstract No. 1580, and being part of a 104.05 acre tract described as First Tract in Deed, recorded in Volume 2465, Page 413 of the Deed Records of Dallas County, Texas on March 24, 1944, said tract being more particularly described as follows:

COMMENCING at a point, said point being the intersection of the North right-of-way line of Arapaho Road (115 foot R.O.W. at this point) and the West right-of-way line of Dallas Parkway (200 foot R.O.W.)

THENCE South 72 degrees 05 minutes 09 seconds West along the North right-of-way of said Arapaho Road (80 foot R.O.W. at this point) for a distance of 103.88 feet to a point;

THENCE South 85 degrees 25 minutes 21 seconds West along the North right-of-way of said Arapaho Road (80 foot R.O.W. at this point) for a distance of 177.18 feet to a point, said point being the point of curvature of a curve to the left whose delta is 19 degrees 48 minutes 28 seconds and whose radius is 830.96 feet and a tangent length of 145.08 feet;

THENCE Southwesterly along said curve for a distance of 287.27 feet to the POINT OF BEGINNING, said point also being the point of curvature of a curve to the left whose central angle is 01 degrees 40 minutes 07 seconds, a radius of 830.96 feet and a tangent length of 12.10 feet;

THENCE Southwesterly along said curve for a distance of 24.20 feet to a point;

THENCE South 63 degrees 56 minutes 46 seconds West along said North right-of-way of said Arapaho Road for a distance of 93.80 feet to a point;

THENCE North 26 degrees 03 minutes 10 seconds West for a distance of 414.80 feet to a point for corner, also being located in the South right-of-way line of St. Louis and Southwestern Railroad (100 foot R.O.W.);

THENCE North 66 degrees 12 minutes 00 seconds East along said South right-of-way of the St. Louis and Southwestern Railroad (100 foot R.O.W.) for a distance of 118.00 feet to a point;

THENCE South 26 degrees 03 minutes 54 seconds East for a distance of 410.51 feet to a point, said point also being the POINT OF BEGINNING;

CONTAINING 48,655.69 square feet of 1.117 acres of land.

SECTION 2. That the above described property shall be used only in the manner and for the purposes for in the Comprehensive Zoning Ordinance of the City as amended herein by the granting of this zoning classification.

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

SECTION 4. 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 5. 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 provisions 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.

Whereas, the above described property required 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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 27 day of October, 1981.


MAYOR

ATTEST:


CITY SECRETARY