

ORDINANCE NO. 089-004

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO GRANT A SPECIAL USE PERMIT FOR A WATER STORAGE RESERVOIR ON APPLICATION WITH DALLAS WATER UTILITIES LOCATED AT THE NORTH SIDE OF BELT LINE ROAD BETWEEN INWOOD ROAD AND BELTWAY DRIVE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, and helps promote the general welfare and safety of this community, now, therefore,

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

SECTION 1. That Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is hereby amended so as to grant a special use permit to construct a water storage reservoir in accordance with the drawings attached hereto and made a part hereof for all purposes. Said amendment shall be noted on the official zoning map of the Town of Addison, Texas, and is situated on the following described land:

Being a tract of land lying and being situated in the Town of Addison, County of Dallas and State of Texas, and being a part of the Edward Cook Survey, Abstract No. 326 and part of the E. Fike Survey, Abstract No. 478, and being more particularly described as follows:

BEGINNING at a point in the north right-of-way line of Belt Line Road, 100 feet wide, 1292.60 feet, more or less, easterly along same from its intersection with the center line of Dooley Road, the southwest corner of Edward Cook Survey, Abstract No. 326; said point also being the southeast corner of that certain tract conveyed to Arthur H. Knost by a deed dated November 29, 1946, recorded in Volume 2758, Page 589, Deed Records of Dallas County, Texas, and the southwest corner of the tract herein conveyed.

THENCE South  $89^{\circ}22'04''$  east, along the north right-of-way line of Belt Line Road, a distance of 1126.56 feet to its intersection with the west right-of-way line of the St. Louis and Southwestern Railroad (Cotton Belt) Dallas Branch, at 1028.68 feet, crossing the east line of the E. Fike Survey, Abstract No. 478;

THENCE North  $16^{\circ}54'35''$  west, along the said west right-of-way line of the St. Louis and Southwestern Railroad a distance of 410.56 feet;

THENCE North  $26^{\circ}20'37''$  west, along said right-of-way line a distance of 305.0 feet;

THENCE North  $48^{\circ}16'38''$  west, along said right-of-way line a distance of 259.0 feet;

THENCE North  $69^{\circ}06'20''$  west, along said right-of-way line a distance of 233.0 feet to its intersection with the right-of-way line of the St. Louis and Southwestern Railroad (Cotton Belt) main line;

THENCE South 81°02'44" west, along said south right-of-way line, a distance of 454.58 feet to a point for a corner, said point being the northwest corner of the tract herein conveyed and the northeast corner of the Arthur H. Knost tract;

THENCE South 00°49'37" west, along the east property line of the said Arthur H. Knost tract, a distance of 838.41 feet to the point of beginning, at 805.41 feet, crossing the south line of the Edward Cook Survey, Abstract No. 326, and containing 19.01 acres.

SECTION 2. That the Special Use Permit is granted subject to the following special conditions:

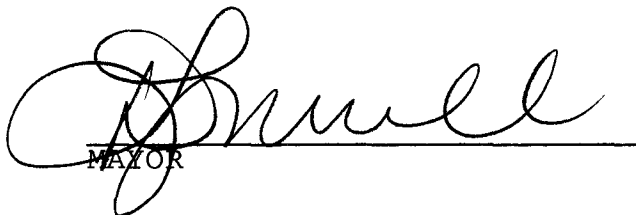
- that the applicant agree to build the brick entry and sign after construction of the second reservoir;
- that final plans for grading and drainage improvements be submitted to the City Engineer prior to issuance of a building permit;
- that the "Y" inlets shown on the site plan be incorporated into the landscape plan;
- that a signed easement for the right-of-way across the north side of the property be received by the Town of Addison prior to the issuance of a construction permit;
- that the property be platted in accordance with the Town of Addison subdivision ordinance.

SECTION 3. 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 4. 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 Thousand Dollars (\$2,000.00) and not less than Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

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 this ordinance as a whole.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 14th day of February, 1989.

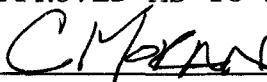
  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 994-SUP

APPROVED AS TO FORM:

  
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