

ORDINANCE NO. 2021-0603B

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, AMENDING ORDINANCE NO. 09-0618, THE COMMUNITY PLAN AND FUTURE LAND USE MAP (FLUP) OF THE CITY OF WILMER, AS HERETOFORE AMENDED, BY CHANGING THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL USES TO SINGLE-FAMILY USES ON PROPERTY GENERALLY LOCATED AT 505 JOHNSON STREET, BEING ALL OF THAT 3.3655 ACRE TRACT OF LAND SITUATED IN THE A.K. GRAY SURVEY, ABSTRACT NO. 505, PAGE 155, CITY OF WILMER, DALLAS COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Wilmer, Texas, held a public hearing on May 13, 2021, on a request to change the land use designation from General Commercial to Single-Family on that certain tract of land being located at 505 Johnson Street; and being all of that certain 3.3655 acre tract of land situated in the A.K. Gray Survey, Abstract No. 505, Page 155, City of Wilmer, Dallas County, Texas, and

WHEREAS, the City Council of the City of Wilmer, Texas, held a public hearing on June 3, 2021, and has determined that it would be in the best interest of the citizens of Wilmer to change the FLUP land use designation from General Commercial to Single-Family, City of Wilmer, Dallas County, Texas; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Wilmer and State Law.

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

SECTION 1. The Future Land Use Map (Ord. 09-0618) land use designation be and is hereby changed from General Commercial to Single Family on property, being located at 505 Johnson Street; and being all of that certain 3.3655 acre tract of land situated in the A.K. Gray Survey, Abstract No. 505, Page 155, City of Wilmer, Dallas County, Texas, and

(As fully described herein as Exhibit "A" – Legal Description).

SECTION 2. All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. In addition to the regulations described herein, the subject property shall be subject to all other applicable codes and ordinances of federal, state, county and other entities having jurisdiction.

SECTION 4. The subject property shall be used only in the manner and for the purposes provided for in the Community Plan (Future Land Use Map) and Comprehensive Zoning Ordinance.

SECTION 5. Any person, entity or corporation violating any provisions of this ordinance shall be considered in violation of the adopted Community Plan (Future Land Use Map) of the City of Wilmer and be subject, upon conviction, to the penalties and remedies therein.

SECTION 6. The recitals are true and correct and are incorporated herein by this reference.

SECTION 7. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 8. An offense committed before the effective date of this ordinance is governed by the prior law and by then-applicable City ordinances that were in effect when such offense was committed and the former law is continued in effect for this purpose.

SECTION 9. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided by the Comprehensive Zoning Ordinance of the City of Wilmer, as heretofore amended, and upon conviction shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

DULY PASSED and approved by the City Council of the City of Wilmer, Texas, on this the 3rd day of June, 2021.

ATTEST:



Mayra Ortiz, City Secretary

APPROVED:



Sheila Petta, Mayor

APPROVED AS TO FORM:



Michael Halla, City Attorney

EXHIBIT "A" - Legal Description

Being a tract of land situated in the Andrew K. Gray 311 Acre Survey, Abstract No. 505 and the Charles A. Warfield 640 Acre Survey, Abstract No. 505, Dallas County, Texas, same being a tract of land conveyed to Virginia L. Singleton, by deed recorded in Instrument Number 20080001318, Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner, said corner being the intersection of the Southeastly line of Johnson Street (50 foot right-of-way), and the Southwestly line of S. Interstate 45 Service road (variable width right-of-way), from which a concrete monument found bears North 25 degrees 21 minutes 49 seconds West a distance of 3.99 feet for witness;

THENCE South 72 degrees 58 minutes 10 seconds East, along the Southwest line of said S. Interstate 45 Service Road, a distance of 67.14 feet to a point for corner, from which a concrete monument found bears South 89 degrees 04 minutes 44 seconds East a distance of 1.24 feet for witness;

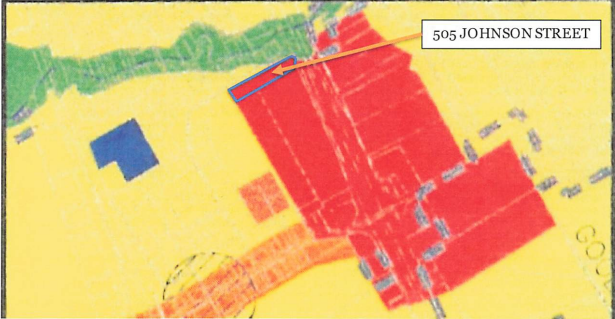
THENCE South 25 degrees 01 minutes 33 seconds East, along the aforementioned Southwest line of S. Interstate 45 Service Road, a distance of 111.51 feet to a point for corner, said corner being the North corner of a tract of land conveyed to Tri Gaz, Inc., a Texas Corporation, by deed recorded in Volume 200193, Page 7911, Deed Records of Dallas County, Texas, from which a 5/8 Inch Iron rod found bears on-line in a Southwestly direction a distance of 0.43 feet for witness;

THENCE South 59 degrees 40 minutes 18 seconds West, along the Northwest line of said Tri Gaz, Inc. tract, a distance of 900.50 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest line of a tract of land conveyed to Frank Becker, as Trustee of The Frank Becker and Nicole R. Becker Revocable Trust, by deed recorded in Instrument Number 201600122254, Official Public Records of Dallas County, Texas, and being the East corner of a tract of land conveyed to Adam Estrada, by deed recorded in Instrument Number 201800202534, Official Public Records of Dallas County, Texas;

THENCE North 30 degrees 30 minutes 25 seconds West, along the Northeast line of said Estrada tract, a distance of 165.38 feet to a 1/2 Inch Iron rod found for corner, said corner being the North corner of said Estrada tract, and being along the aforementioned Southeast line of Johnson Street;

THENCE North 60 degrees 00 minutes 00 seconds East, along the aforementioned Southeast line of Johnson Street, a distance of 865.85 feet to the POINT OF BEGINNING and containing 146,602 square feet or 3.366 acres more or less.

FUTURE LAND USE MAP



ZONING MAP

