

ORDINANCE NO. 2021-1021H

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, AMENDING THE COMMUNITY PLAN AND FUTURE LAND USE MAP (FLUM), ORDINANCE NO. 09-0618, OF THE CITY OF WILMER, AS HERETOFORE AMENDED, BY CHANGING THE LAND USE DESIGNATION FROM SINGLE-FAMILY USES TO INDUSTRIAL USES ON PROPERTY GENERALLY LOCATED NORTH OF BELTLINE ROAD AND APPROXIMATELY 1,200 FEET EAST OF SUNRISE ROAD, DESCRIBED AS A CERTAIN TRACT OF LAND BEING FURTHER DESCRIBED AS A 27.095 ACRE TRACT OF LAND SITUATED IN THE JOHN CHAPMAN SURVEY, ABSTRACT NUMBER 379, IN DALLAS COUNTY, TEXAS, AND BEING PART OF A 49.624-ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN TO ALLAN B. CURLEE AND GLENN R. HOWELL, TRUSTEES, AS RECORDED IN VOLUME 73078, PAGE 126 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), 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 September 23, 2021, on a request to amend the Future Land Use Map (FLUM) to change the land use designation from Single-Family to Industrial Uses, generally located north of Beltline Road and approximately 1,200 feet east of Sunrise Road, and being further described as a 27.095 acre tract of land situated in the John Chapman Survey, Abstract Number 379, in Dallas County, Texas, and being part of a 49.624-acre tract of land described in warranty deed with vendor's lien to Allan B. Curlee and Glenn R. Howell, Trustees, as recorded in Volume 73078, Page 126 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), City of Wilmer, Dallas County, Texas; and

WHEREAS, the City Council of the City of Wilmer, Texas, held a public hearing on October 21, 2021, and has determined that it would be in the best interest of the citizens of Wilmer to change the Future Land Use Map designation from Single-Family to Industrial land uses, 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 Single-Family to Industrial Uses, generally located north of Beltline Road and approximately 1,200 feet east of Sunrise Road, and being further described as a 27.095 acre tract of land situated in the John Chapman Survey, Abstract Number 379, in Dallas County, Texas, and being part of a 49.624-acre tract of land described in warranty deed with vendor's lien to Allan B. Curlee and Glenn R. Howell, Trustees, as recorded in Volume 73078, Page 126 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), City of Wilmer, Dallas County, Texas; and

1. As fully described herein as Exhibit "A" – Legal Description, and
2. Exhibit "B" – Location Map

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 21st day of October, 2021.

ATTEST:



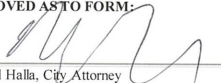
Mayra Ortiz, City Secretary

APPROVED:



Sheila Petta, Mayor

APPROVED AS TO FORM:



Michael Halla, City Attorney

EXHIBIT "A" – Legal Description

BEING a 27.095 acre tract of land situated in the John Chapman Survey, Abstract Number 379, in Dallas County, Texas, and being part of a 49.624 acre tract of land described in warranty deed with vendor's lien to Allan B. Curlee and Glenn R. Howell, Trustees, as recorded in Volume 73078, Page 126 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a found axle for the southerly southwest corner of said Howell's tract, and the southeast corner of a called 1.852 acre tract of land described in deed to James F. Brumley and Ashley Brumley, recorded in Instrument Number 201500144261 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said corner being on the north right-of-way line of West Belt Line Road (variable width right-of-way);

Thence North 00 degrees 23 minutes 45 seconds West, with the east line of said 1.852 acre tract and the southerly southwest line of said Howell's tract, a distance of 157.78 feet to the northeast corner of said Brumley's tract, from which a found axle bears North 13 degrees 41 minutes 36 seconds West, a distance of 0.33 feet;

Thence South 89 degrees 29 minutes 26 seconds West, with the north line of said 1.852 acre tract and the south line of said Howell's tract, a distance of 523.82 feet to the northwest corner of said Brumley's tract, said corner being on the east line of a called 48.51 acre tract of land described in deed to Wanda Gaye Brown, as recorded in Instrument Number 200600310191, O.P.R.D.C.T., from which a found axle bears North 80 degrees 39 minutes 38 seconds East, a distance of 0.83 feet;

Thence North 15 degrees 48 minutes 31 seconds West, with the west line of said Howell's tract and the east line of said 48.51 acre tract, a distance of 1,606.17 feet to a 1/2-inch set iron rod with a yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the southwest corner of a called 22.669 acre tract described in deed to WHL Dallas 45 LLC, recorded in Instrument Number 2012300139382, O.P.R.D.C.T., said corner being the point of curvature of a non-tangent circular curve to the right, having a radius of 1,600.00 feet, chord that bears South 60 degrees 50 minutes 18 seconds East, a distance of 399.38 feet;

Thence over and across said Howell's tract and with the south line of said 22.669-acre tract, the following courses and distances: Southeasterly, departing said west line of Howell's tract and the east line of said 48.51-acre tract, and with said curve, through a central angle of 14 degrees 20 minutes 21 seconds, an arc distance of 400.42 feet to a 1/2-set iron rod with cap for corner; South 53 degrees 40 minutes 08 seconds East, a distance of 627.71 feet to a 1/2-set iron rod with cap for corner, said corner being the point of curvature of a tangent circular curve to the left, having a radius 800.00 feet, chord that bears South 65 degrees 14 minutes 54 seconds East, a distance of 321.17 feet; Southeasterly, with said curve, through a central angle of 23 degrees 09 minutes 33 seconds, an arc distance of 323.36 feet to a 1/2-found iron rod with "KHA" cap for the southwest corner of a called 6.854-acre tract described in deed to WHL Dallas 45 LLC, as recorded in Instrument Number 201200378699, O.P.R.D.C.T. and the southeast corner of said 22.669-acre tract said corner being on the east line of a tract of land described in deed to J. M. Roddy, as recorded in Volume 3964, Page 633, D.R.D.C.T.;

Thence South 15 degrees 51 minutes 25 seconds East, with the east line of said Howell's tract and the west line of said J.M. Roddy tract, a distance of 987.94 feet to a found axle for the southeast corner of said Howell's tract, said corner being on the north right-of-way line of said West Belt Line Road;

Thence with the south line of said Howell's tract and the north right-of-way line of said West Belt Line Road, the following bearings and distances: South 83 degrees 03 minutes 51 seconds West, a distance of 246.28 feet to a 1/2-found iron pipe for corner, said corner being the point of curvature of a tangent circular curve to the right, having a radius of 2,789.93 feet, chord that bears South 85 degrees 13 minutes 10 seconds West, a distance of 209.85 feet; Southeasterly, with said curve, through a central angle of 04 degrees 18 minutes 38 seconds, an arc distance of 209.90 feet to the **Point of Beginning and containing 27.095 acres (1,180,273 square feet) of land, more or less.**

EXHIBIT "B" – ZONING EXHIBIT

