

## **ORDINANCE NO. 2021-1202C**

**AN ORDINANCE OF THE CITY OF WILMER, TEXAS, AMENDING ORDINANCE NO. 12.6.88, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WILMER, AS HERETOFORE AMENDED, BY ASSIGNING THE ZONING CLASSIFICATION OF LIGHT INDUSTRIAL (I-1) IN ACCORDANCE WITH SECTION 7.C (CONCURRENT ZONING UPON ANNEXATION) ON PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF PLEASANT RUN ROAD AND SOUTHPORT PARKWAY; AND BEING FURTHER DESCRIBED AS TWO (2) CERTAIN PARCELS OF LAND TOTALING APPROXIMATELY 69.032-ACRES, TRACT 1: PARCEL I.D. NO. 65127161010010100 AND TRACT 2: PARCEL I.D. NO. 65127161010010200, DCAD, CITY OF WILMER, DALLAS COUNTY, TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A"; 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 November 11, 2021, on a request to assign the zoning classification of Light Industrial (I-1) upon annexation in accordance with Section 7.C of the Comprehensive Zoning Ordinance (Ord. No. 12.6.88) on all those called tracts of land, being described as two (2) certain parcels of land totaling approximately 69.032-acres, Tract 1: Parcel I.D. No. 65127161010010100 and Tract 2: Parcel I.D. No. 65127161010010200, DCAD, City of Wilmer, Dallas County, Texas., and being more fully described in Exhibit "A"; and

**WHEREAS**, the City Council of the City of Wilmer, Texas, held a public hearing on November 18, 2021, and has determined that it would be in the best interest of the citizens of Wilmer to assign the zoning classification of Light Industrial (I-1) District, 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 Comprehensive Zoning Map (Ord. 12.6.88) zoning classification be and is hereby changed to Light Industrial (I-1) upon annexation in accordance with Section 7.C of the Comprehensive Zoning Ordinance (Ord. No. 12.6.88) on all those called tracts of land, being described as two (2) certain parcels of land totaling approximately 69.032-acres, Tract 1: Parcel I.D. No. 65127161010010100 and Tract 2: Parcel I.D. No. 65127161010010200, City of Wilmer, Dallas County, Texas., DCAD, and being more fully described in Exhibit "A"; 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 3.** The subject property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance (Ord. No.12.6.88) as adopted or amended.

**SECTION 4.** Any person, entity or corporation violating any provisions of this ordinance shall be considered in violation of the adopted Comprehensive Zoning Ordinance of the City of Wilmer and be subject, upon conviction, to the penalties and remedies therein.

**SECTION 5.** The recitals are true and correct and are incorporated herein by this reference.

**SECTION 6.** 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.

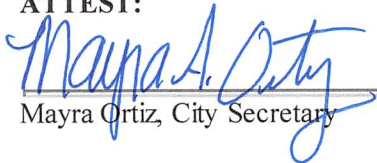
**SECTION 7.** An offense committed before the effective date of this ordinance is governed by the prior law and by then-applicable City ordinances that were in effect when such offense was committed and the former law is continued in effect for this purpose.

**SECTION 8.** 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 9.** 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 2nd day of December, 2021.

**ATTEST:**

  
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Mayra Ortiz, City Secretary

**APPROVED:**

  
\_\_\_\_\_  
Sheila Petta, Mayor

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael Halla, City Attorney

# **EXHIBIT "A" - Legal Description**

## **METES AND BOUNDS DESCRIPTION**

### **Tract One - 46.03 Acre Tract**

All that certain 46.03 acre tract or parcel of land situated in the Robert Sloan Survey, Abstract Number 1271, County of Dallas, State of Texas, said tract being part of Exhibit A-5 a called 112.964 acre tract as described in Substitute Trustee's Deed to Kourosh Hemyari, filed 06 September 2000, and recorded in county clerks number 200017303887 of the Official Public Records of said Dallas County Texas, and being more particularly described as follows;

**BEGINNING** for the west corner of the tract being described herein at a set 1/2 inch rebar, said rebar being the west corner of said Exhibit A-5, and said rod being an angle point in the east line of a called 531.7 acre tract as described in a deed to Southport Logistics XT, LP, filed 25 February 2013, and recorded in clerks instrument number 201300057705 of said official public records, and said rebar being the south corner of a called 38.285 acre tract as described in a deed to Paul Leighton et ux, Elizabeth Leighton, filed 09 February 2004, and recorded in volume 2004026 page 9140 of said official public records, said rebar having a NAD83 NCTZ Grid coordinates of N-6916052.32 E-2533363.29;

**THENCE:** North 59 degrees 37 minutes 01 seconds East, with the northwest line of said Exhibit A-5 and with the southeast line of said Leighton tract, a distance of 1410.78 feet to a found 1/2 inch rebar with a plastic cap marked 5560 for the north corner of this tract;

**THENCE:** South 30 degrees 47 minutes 47 seconds East, a distance of 375.05 feet to a set 1/2 inch rebar for the most northerly east corner of this tract, and said rebar being the north corner of a called 23.00 acre tract as described in a deed to North Texas Select Materials LLC, filed 26 October 2018, and recorded in clerks instrument number 201800286005 of said official public records;

**THENCE:** South 59 degrees 37 minutes 00 seconds West, with the northwest line of said 23.00 acre tract, a distance of 571.90 feet to a set 1/2 inch rebar for an inner ell corner of this tract, same being the west corner of said 23.00 acre tract;

**THENCE:** South 30 degrees 33 minutes 48 seconds East, with the southwest line of said 23.00 acre tract, a distance of 1747.54 feet to found 1/2 inch rebar with a plastic cap marked 5560 for the most southerly east corner of this tract, same being the south corner of said 23.00 acre tract, and said rebar being on the north side of E. Pleasant Run Road;

**THENCE:** South 59 degrees 35 minutes 40 seconds West, with the southeast line of said Exhibit A-5, and the north side of said road, a distance of 847.02 feet to a set 1/2 inch rebar for the south corner of said Exhibit A-5, and said rebar being the east corner of said Southport tract;

**THENCE:** North 30 degrees 23 minutes 05 seconds West, with the southwest line of said Exhibit A-5 and the northeast line of said Southport tract, a distance of 2122.90 feet to the **POINT OF BEGINNING** and containing 46.03 acres of land.

NAD83 Grid Bearings and Distances reflect surface measurements

## **Tract Two - 23.00 Acre Tract**

All that certain 23.00 acre tract or parcel of land situated in the Robert Sloan Survey, Abstract Number 1271, County of Dallas, State of Texas, said tract being all of a called 23.00 acre tract as described in a deed to North Texas Select Materials LLC, filed 26 October 2018, and recorded in clerks instrument number 201800286005 of the Official Public Records of said Dallas County Texas, and being more particularly described as follows;

**BEGINNING** for the east corner of the tract being described herein at a found 5/8 inch iron rod, said rod being the east corner of said North Texas Tract, and said rod being on the north side of E. Pleasant Run Road, and said rod being the south corner of a called 9.957 acre tract described in deed to Gilbertz Trucking, LLC, filed 07 August 2018, and recorded in clerks number 201800211367 of said official public records, said rod also having a NAD83 NCTZ Grid coordinates of N-6914939.20 E-2535660.61;

**THENCE:** South 59 degrees 35 minutes 40 seconds West, with the southeast line of said North Texas Tract and with the north side of said road, a distance of 571.90 feet to a found 1/2 inch rebar with a plastic cap marked 5560 for the south corner of said North Texas Tract;

**THENCE:** North 30 degrees 33 minutes 48 seconds West, with the southwest line of said North Texas Tract, a distance of 1747.54 feet to a set 1 1/2 inch rebar for the west corner of said North Texas Tract;

**THENCE:** North 59 degrees 37 minutes 00 seconds East, with the northwest line of said North Texas Tract, a distance of 571.90 feet to a set 1 1/2 inch rebar for the north corner of said North Texas Tract;

**THENCE:** South 30 degrees 47 minutes 05 seconds East, with the northeast line of said North Texas Tract, a distance of 736.21 feet to set 1/2 inch rebar for an angle point in the northeast line of said North Texas Tract, said rebar being an inner ell corner of Exhibit A-5, a called 112.964 acre tract as described in Substitute Trustee's Deed to Kourosh Hemyari, filed 06 September 2000, and recorded in county clerks number 200017303887 of said official public records;

**THENCE:** South 30 degrees 24 minutes 08 seconds East, with the northeast line of said North Texas Tract, a distance of 1011.12 feet to the **POINT OF BEGINNING** and containing 23.00 acres of land.

NAD83 Grid Bearings and Distances reflect surface measurements

## EXHIBIT "B" - LOCATION MAP

