

**ORDINANCE NO. 2022-0217D**

**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 SOUTHEAST CORNER OF VAN ROAD AND MASON ROAD; AND BEING FURTHER DESCRIBED AS APPROXIMATELY 25.0209-ACRES SITUATED IN THE E. CROCKETT SURVEY, ABSTRACT NO. 224, PAGE 575, OWNED BY DC1776, LLC. THE SUBJECT PROPERTY BEING DESCRIBED AS PARCEL ID NO. 65022457510040000, DCAD, CITY OF WILMER ETJ, DALLAS COUNTY, TEXAS; AND BEING FULLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO, 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 December 9, 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 that certain tract of land owned by DC1776, LLC, totaling approximately 25.0209 acres situated in the E. Crockett Survey, Abstract No. 224, Page 575; Parcel ID No. 65022457510040000 DCAD, City of Wilmer, Dallas County, Texas; and generally located on the southeast corner of Van Road and Mason Road, City of Wilmer, Dallas County, Texas; and

**WHEREAS**, the City Council of the City of Wilmer, Texas, held a public hearing on January 6, 2022, 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 in accordance with the Future Land Use Map, 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) on recently annexed property, being all of that certain tract of land, being described as a certain tract of land owned by DC1776, LLC, totaling approximately 25.0209 acres situated in the E. Crockett Survey, Abstract No. 224, Page 575; Parcel ID No. 65022457510040000 DCAD, City of Wilmer, Dallas County, Texas; and generally located on the southeast corner of Van Road and Mason Road, City of Wilmer, Dallas County, Texas; and

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

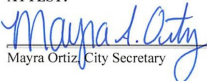
**SECTION 9.** This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

**DULY PASSED** and approved by the City Council of the City of Wilmer, Texas, on this the 17th day of February, 2022.

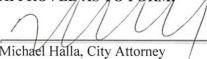
**APPROVED:**

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

**ATTEST:**

  
\_\_\_\_\_  
Mayra Ortiz, City Secretary

**APPROVED AS TO FORM:**

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

**EXHIBIT "A"**  
**Legal Description**  
BEING 107.9 ACRES IN THE  
E.D. LITTLE SURVEY, ABSTRACT NO. 787  
ELIZABETH CROCKETT SURVEY, ABSTRACT NO. 224  
DALLAS COUNTY, TEXAS

**BEING** a tract of land situated in the E.D. Little Survey, Abstract No. 787 and the Elizabeth Crockett Survey, Abstract No. 224, Dallas County, Texas and being all of a called 9.9760 acre tract of land designated as "Tract I" and all of a called 9.9540 acre tract of land designated as "Tract II" in the Special Warranty Deed to TXWL LLC, recorded in Instrument No. 202100050376, Official Public Records, Dallas County, Texas (OPRDCT), all of a called 62.9272 acre tract of land described in the Special Warranty Deed to TXWL LLC recorded in Instrument No. 202100112863, OPRDCT, and all of a called 25.0493 acre tract of land described in the Special Warranty Deed to DC1776, LLC recorded in Instrument No. 202100169321, OPRDCT, and being more particularly described as follows:

**BEGINNING** at the west corner of said 9.9760 acre tract, in the southeast right-of-way line of Van Road (a variable width right-of-way);

**THENCE** North 58°39'43" East, along the southeast right-of-way line of Van Road, a distance of 883.84 feet to the most westerly north corner of said 62.9272 acre tract;

**THENCE** along the northerly lines of said 62.9272 acre tract, the following courses and distances:

South 30°49'51" East, a distance of 299.30 feet;

North 58°37'47" East, a distance of 554.48 feet;

South 30°56'30" East, a distance of 199.60 feet;

North 58°27'14" East, a distance of 39.45 feet;

South 29°21'04" East, a distance of 258.65 feet;

South 59°17'14" West, a distance of 33.28 feet;

South 30°45'44" East, a distance of 100.00 feet;

North 59°10'55" East, a distance of 320.55 feet to a point in the approximate centerline of Mason Road (a variable width prescriptive right-of-way), in the southwest line of said 25.0493 acre tract;

**NOTES:**

Continued on Sheet No. 2 of 4

A sketch was prepared on even date to accompany this description.

This document was prepared under 22 TAC §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances.

|                                                                               |                 |                   |                 |                    |                                                   |
|-------------------------------------------------------------------------------|-----------------|-------------------|-----------------|--------------------|---------------------------------------------------|
| <b>Kimley»Horn</b>                                                            |                 |                   |                 |                    |                                                   |
| 13455 Noel Road, Two Galleria Office<br>Tower, Suite 700, Dallas, Texas 75240 |                 |                   | FIRM # 10115500 |                    | Tel. No. (972) 770-1300<br>Fax No. (972) 239-3820 |
| <u>Scale</u>                                                                  | <u>Drawn by</u> | <u>Checked by</u> | <u>Date</u>     | <u>Project No.</u> | <u>Sheet No.</u>                                  |
| N/A                                                                           | BJE             | DJD               | NOV. 2021       | 064450799          | 1 OF 4                                            |

**EXHIBIT "A" Continued**  
**Legal Description**  
BEING 107.9 ACRES IN THE  
E.D. LITTLE SURVEY, ABSTRACT NO. 787  
ELIZABETH CROCKETT SURVEY, ABSTRACT NO. 224  
DALLAS COUNTY, TEXAS

Continued from Sheet No. 1 of 4

**THENCE** North 30°47'59" West, along the southwest line of said 25.0493 acre tract, with said Mason Road, a distance of 882.63 feet to the west corner of said 25.0493 acre tract, in the approximate centerline of said Van Road;

**THENCE** North 59°12'01" East, along the north line of said 25.0493 acre tract, with said Van Road, a distance of 927.75 feet to the north corner of said 25.0493 acre tract;

**THENCE** along the northeast line of said 25.0493 acre tract, the following courses and distances:

South 30° 58' 19" East, a distance of 856.36 feet;

South 30°20'07" East, a distance of 318.15 feet to the east corner of said 25.0493 acre tract;

**THENCE** South 59°12'01" West, along the southeast line of said 25.0493 acre tract, a distance of 928.45 feet to a point in the approximate centerline of said Mason Road, in the northeast line of said 62.9272 acre tract;

**THENCE** South 30°47'08" East, along the northeast east line of said 62.9272 acre tract, with said Mason Road, a distance of 1,162.54 feet to the east corner of said 62.9272 acre tract;

**THENCE** South 59°04'53" West, along the southeast line of said 62.9272 acre tract, a distance of 1,745.50 feet to the south corner of said 62.9272 acre tract;

**THENCE** North 30°51'32" West, along the southwest line of said 62.9272 acre tract, a distance of 505.72 feet to the south corner of said 9.9760 acre tract;

**THENCE** North 31°10'59" West, along the southwest line of said 9.9760 acre tract, a distance of 1,795.32 feet to the **POINT OF BEGINNING** and containing a computed are of 107.9 acres of land, more or less.

**NOTES:**

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**Kimley»Horn**

13455 Noel Road, Two Galleria Office  
Tower, Suite 700, Dallas, Texas 75240

FIRM # 10115500

Tel. No. (972) 770-1300  
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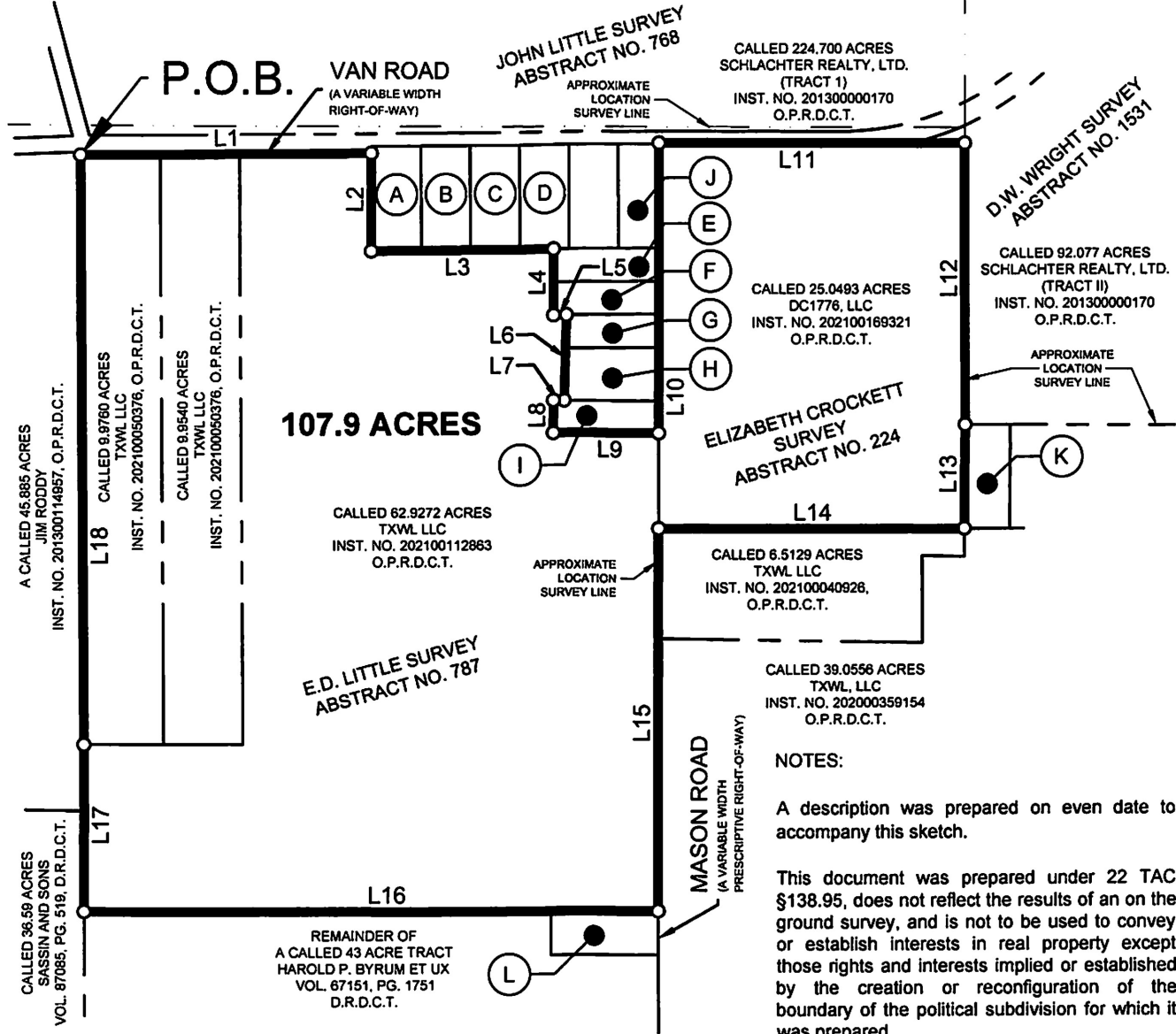
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|--------------|-----------------|-------------------|-------------------|--------------------------|---------------------|
| Scale<br>N/A | Drawn by<br>BJE | Checked by<br>DJD | Date<br>NOV. 2021 | Project No.<br>064450799 | Sheet No.<br>2 OF 4 |
|--------------|-----------------|-------------------|-------------------|--------------------------|---------------------|





0 250 500  
GRAPHIC SCALE IN FEET

EXHIBIT "A" Continued  
Legal Description  
BEING 107.9 ACRES IN THE  
E.D. LITTLE SURVEY, ABSTRACT NO. 787  
ELIZABETH CROCKETT SURVEY, ABSTRACT NO. 224  
DALLAS COUNTY, TEXAS



LEGEND

P.O.B. = POINT OF BEGINNING  
D.R.D.C.T. = DEED RECORDS OF  
DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC  
RECORDS, DALLAS COUNTY, TEXAS

**PRELIMINARY**

THIS DOCUMENT SHALL  
NOT BE RECORDED FOR  
ANY PURPOSE AND  
SHALL NOT BE USED OR  
VIEWED OR RELIED  
UPON AS A FINAL  
SURVEY DOCUMENT

DAVID J. De WEIRD  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5066  
david.deweirdt@kimley-horn.com

NOTES:

A description was prepared on even date to  
accompany this sketch.

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§138.95, does not reflect the results of an on the  
ground survey, and is not to be used to convey  
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by the creation or reconfiguration of the  
boundary of the political subdivision for which it  
was prepared.

All bearings shown are based on grid north of  
the Texas Coordinate System of 1983, North  
Central Zone (4202), North American Datum of  
1983. All dimensions shown are ground  
distances.

See Sheet No. 4 of 4 for line table and property  
owner table.

**Kimley»Horn**

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FIRM # 10115500

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Fax No. (972) 239-3820

| Scale     | Drawn by | Checked by | Date      | Project No. | Sheet No. |
|-----------|----------|------------|-----------|-------------|-----------|
| 1" = 500' | BJE      | DJD        | NOV. 2021 | 064450799   | 3 OF 4    |

EXHIBIT "A" Continued

Legal Description

E.D. LITTLE SURVEY, ABSTRACT NO. 787  
ELIZABETH CROCKETT SURVEY, ABSTRACT NO. 224  
DALLAS COUNTY, TEXAS

| PROPERTY LABELS |           |                                 |
|-----------------|-----------|---------------------------------|
| LABEL           | OWNER     | RECORDING INFORMATION           |
| A               | MARTINEZ  | INST. NO. 201200062837, OP RDCT |
| B               | PUENTE    | INST. NO. 201600343175, OP RDCT |
| C               | PUENTE    | INST. NO. 201600343176, OP RDCT |
| D               | GARCIA    | VOL. 2001050, PG. 8651, DRDCT   |
| E               | ATWELL    | INST. NO. 201100038029, OP RDCT |
| F               | BAKER     | INST. NO. 201800153321, OP RDCT |
| G               | WICKLIFFE | VOL. 2002060, PG. 87, DRDCT     |
| H               | JIMINEZ   | VOL. 2002122, PG. 4006, DRDCT   |
| I               | TENNISON  | VOL. 92104, PG. 112, DRDCT      |
| J               | TENNISON  | VOL. 90013, PG. 2666, DRDCT     |
| K               | TXWL LLC  | INST. NO. 202100108613, OP RDCT |
| L               | ISOM      | VOL. 84090, PG. 4764, DRDCT     |
| L               | ISOM      | VOL. 90011, PG. 4489, DRDCT     |
| L               | BYRUM     | VOL. 2003244, PG. 7852, OP RDCT |
| 0.4815 ACRES    |           |                                 |

| LINE TABLE |             |          |
|------------|-------------|----------|
| NO.        | BEARING     | LENGTH   |
| L1         | N58°39'43"E | 883.84'  |
| L2         | S30°49'51"E | 299.30'  |
| L3         | N58°37'47"E | 554.48'  |
| L4         | S30°56'30"E | 199.60'  |
| L5         | N58°27'14"E | 39.45'   |
| L6         | S29°21'04"E | 258.65'  |
| L7         | S59°17'14"W | 33.28'   |
| L8         | S30°45'44"E | 100.00'  |
| L9         | N59°10'55"E | 320.55'  |
| L10        | N30°47'59"W | 882.63'  |
| L11        | N59°12'01"E | 927.75'  |
| L12        | S30°58'19"E | 856.36'  |
| L13        | S30°20'07"E | 318.15'  |
| L14        | S59°12'01"W | 928.45'  |
| L15        | S30°47'08"E | 1162.54' |
| L16        | S59°04'53"W | 1745.50' |
| L17        | N30°51'32"W | 505.72'  |
| L18        | N31°10'59"W | 1795.32' |

NOTES:

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DRDCT = DEED RECORDS OF  
DALLAS COUNTY, TEXAS  
OP RDCT = OFFICIAL PUBLIC  
RECORDS, DALLAS COUNTY, TEXAS  
SQ.FT. = SQUARE FEET

LEGEND

|             |           |
|-------------|-----------|
| Scale       | 1" = 500' |
| Drawn by    | BJE       |
| Checked by  | DJD       |
| Date        | NOV. 2021 |
| Project No. | 064450799 |
| Sheet No.   | 4 OF 4    |

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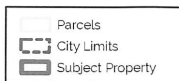
**Kimley»Horn**



City of Wilmer - Location Map

EXHIBIT B

Zoned: LI



date: 12/01/2021