

**ZONING BOARD OF ADJUSTMENT MEETING
DUNCANVILLE COUNCIL CHAMBERS
203 EAST WHEATLAND ROAD
THURSDAY, MARCH 5, 2026, 7:00 P.M.**

The meeting for the Zoning Board of Adjustment was held on Thursday, March 5, 2026, at 7:00 p.m. with the following members of the board present:

Lawrence Smith	Zoning Board of Adjustment Chair	Present
Terry Popham	Zoning Board of Adjustment Member	Present
LaVaughn Washington	Zoning Board of Adjustment Member	Present
Constance Willis	Zoning Board of Adjustment Member	Present
Elias Rodriguez	Alternate Zoning Board of Adjustment Member	Present

Staff:

Dr. LaSheyla Jones, Assistant Director of Planning & Zoning
Desiree' Powell, City Planner
Robert Hager, City Attorney
Mark Rauscher, Assistant City Manager

Item No. 1 – Call to order and confirm quorum

Staff conducted a roll call. Lawrence Smith started meeting around 7:34 p.m. as the audio was not recording properly.

Item No. 2 – Public Comment

No public comments.

Item No. 3 – Agenda Item

There were no minutes reviewed from the November 6, 2025 meeting.

Item No. 4 – Zoning Board of Adjustment Action Items/Public Hearings

4 A. ZBA-2026-00004: Discuss and consider adoption of an order to grant or deny a fence variance on real property at **700 and 704 Cavan Road**, Block 5, Lot 5A, Woodhaven Addition on 8.8825 acres, City of Duncanville, Dallas County, Texas

Desiree Powell presented the case for a variance and Mr. Hager explained why the item was recalled after being approved by ZBA at the November 6, 2025 meeting. He stated that he need clarification on how the fence is to be built, material being used, fence and column height and the exact location of the fence as it relates to the property. Mr. Hager also asked the board to accept the presentation staff shared from the November meeting as true in all information

discussed then and now. The board accepted this as evidence to support any decisions made during this meeting.

Staff mailed 58 notices, receiving one response in opposition and one in favor.

Mr. Hager asked Mr. Jeffrey Kassa, applicant/owner of 704 Cavan Road, as testimony that all the information was provided/shared at November 6, 2025 meeting is the same and he would accept this information as true. Mr. Hager asked the Board to accept Mr. Kassa's evidence that he provides at the November meeting to be added to the record. Mr. Hager swore in Mr. Kassa's testimony that he would tell the truth regarding all information provided as related to this case.

Mr. Kassa provided details regarding the requested fence height, column height, material to be used, and exact location of fence.

Board members discussed the proposed fence and potential impacts on the neighborhood, type of fence material, and location of the fence as it relates to the property lines.

(8:25 p.m.) Mr. Popham made motion to approve the variance with the corrected testimony as presented; Ms. Washington seconded.

Motion approved and passed; vote 5-0 to approve.

4.B. ZBA-2026-00002: Request from Natalie Ortiz, applicant and owner, for an use variance to operate a group home with a total of ten (10) children in a residential home on real property at the 1507 Sharon Drive, Lot 15, Block C, Dannybrook Estates No. 1, City of Duncanville, Dallas County, Texas.

Desireé Powell presented the case sharing information related to how group homes are currently regulated and defined in the City's Code of Ordinances. She stated the reason for the variance is to allow more than the allowed four (4) children for a group home in a residential zoning district. Ms. Powell provided an overview of the request along with the reasonable accommodation presented by the applicant.

Staff mailed 25 notices, receiving two responses in opposition and none in favor.

Board members asked questions regarding the reasonable accommodation process and how it is defined in the City's ordinance along with the number of bathrooms in relation to the number of children proposed for care.

(8:31 p.m.) Mr. Hager swore in the applicant/owner, Natalie Ortiz (1507 Sharon Drive, Duncanville, TX 75137) and her representative. Ms. Ortiz questioned why their time was only two minutes to speak as the previous applicant was allotted more time. Staff and the Chair provided clarity on the timing of the presentation and any speakers. Dr. Jones clarified this and when the timer would begin/end.

Speakers in support spoke at 8:43 p.m.

Ms. Ortiz's representative, Santos Martinez (2489 Plata Loop Northeast, Rio Rancho, New Mexico 87144) spoke in support of the requested presented.

Jose Benevides (7846 Mirage Valley Drive, Dallas, Texas 75232) spoke in favor of the request.

Renata De La Paz (753 Eagle Drive, Coppell, Texas 75019) spoke in favor of the request.

Josimal (could not her name clearly) Herrera (100 Gulch Drive, Princeton, Texas 75407) spoke in favor of the request and her experience with the process of trying to open/operate the group home in Duncanville.

Chair Smith asked if there was anyone else that would like to speak speakers at 8:50 p.m.

Rojeana Delay (206 Timothy Trail, Duncanville, Texas 75137) spoke and was sworn in by Mr. Hager (city attorney). She spoke in opposition of the request due to the number of children being proposed but stated she was in support of the group home and its need.

Holy Boyter (210 Timothy Trail, Duncanville, Texas 75137) spoke and was sworn in by Mr. Hager. She spoke that the group home use is fine but expressed concern regarding the number of children and adult supervision.

Ms. Washington asked questions about the number of children and the proposed operations of the group home as requested in the reasonable accommodation. She asked what changed to ask for a variance. Ms. Ortiz stated the original number of children to care for was 14 and that they asked the previous planning consultant, Olsson, if the use and number would be allowed.

Mr. Hager stated that the applicant did not present adequate evidence regarding the persons being housed and cared for. The Board discussed disabilities as defined by federal law and if there is documentation to support these disabilities. Staff reiterated that the conversation regarding the reasonable accommodation process and the requirements of such as it relates to any persons with disabilities and other operational needs.

At 9:29 p.m. Mr. Popham made a motion to deny the request as presented; 2nd by Ms. Washington. Motion was denied with a 5-0 vote. The motion passed.

Adjournment

Meeting adjourned at 9:35 p.m., motion by Terry Popham, seconded by LaVaughn Washington.

**ZONING BOARD OF ADJUSTMENT MEETING
DUNCANVILLE COUNCIL CHAMBERS
203 EAST WHEATLAND ROAD
THURSDAY, MAY 7, 2026, 7:00 P.M.**

The meeting for the Zoning Board of Adjustment was held on Thursday, May 7 2026, at 7:00 p.m. with the following members of the board present:

Lawrence Smith	Zoning Board of Adjustment Chair	Present
Terry Popham	Zoning Board of Adjustment Member	Present
LaVaughn Washington	Zoning Board of Adjustment Member	Present
Constance Willis	Zoning Board of Adjustment Member	Present
Elias Rodriguez	Alternate Zoning Board of Adjustment Member	Present

Staff:

Dr. LaSheyla Jones, Assistant Director of Planning & Zoning
Desiree' Powell, City Planner

Item No. 1 – Call to order and confirm quorum

Staff conducted a roll call. Lawrence Smith started meeting at 7:06 pm.

Item No. 2 – Public Comment

No public comments.

Item No. 3 – Agenda Item

Minutes from the March 5, 2026 minutes will be reviewed at the next Zoning Board of Adjustment meeting.

Item No. 4 – Zoning Board of Adjustment Action Items/Public Hearings

4 A. ZBA-2026-00003: Request from Steven Betzold (applicant) for a sign variance to increase the maximum height of a digital billboard on real property at 702 E. Highway 67, legally described as Lot 21 less R.O.W., Woodland Hills on 0.539 acres, City of Duncanville, Dallas County, Texas.

Planner, Desiree Powell presented the case for a variance to increase the height and area of a digital billboard along Highway 67. She presented the applicant's reason for the variance along with the current regulations of the City Zoning Ordinance. Additionally, she noted that this request does meet the standards based on regulations from the Texas Department of Transportation (TxDOT) and within the Texas Administrative Code (TAC). She noted that TXDOT regulates commercial signs along major interstates and highways.

Staff mailed 8 notices, receiving no response in opposition or in favor.

Applicant, Steven Betzold (Lamar Advertising on behalf of the Duncanville V.F.W), 2728 McKinnon Street, apartment 1502, Dallas, Texas 75201 spoke in favor of the request.

Chair Smith opened the public hearing at 7:24 p.m; motion made by Ms. Washington with a 2nd by Mr. Popham. Vote 6-0 to open the public hearing. There were no speakers. Chair Smith closed the public hearing.

(7:25 p.m.) Mr. Popham made motion to approve the variance as presented; 2nd by Ms. Washington. Motion approved and passed; vote 5-0.

Adjournment

Meeting adjourned at 7:30 p.m., motion by Chair Smith, seconded by Terry Popham. Vote 5-0 to adjourn.

Zoning Board of Adjustment Chair or Vice Chair

**ZONING BOARD OF ADJUSTMENT
STAFF REPORT**

LOCATION:	4 Belmont Place, Duncanville, TX 75116
OWNER:	Nivardo Meraz
APPLICANT:	Nivardo Meraz
ZONING DISTRICT:	Planned Development 1619 (PD-1619)
REASON FOR DESIRED ADJUSTMENT:	Decreased front setback to 5' instead of 10'

BACKGROUND

The applicant is requesting a variance for a decreased front setback to build a residential home. The current front setback minimum requirement is 10' and the applicant is requesting 5'.

The subject property is part of the Thoroughbred Hills, lot 36, block A on 0.4265 acres.



Figure 1 – Zoning Map
Subject Property

STANDARDS AND FINDINGS

The subject property is currently zoned Planned Development 1619 (PD-1619) with previous iterations being PD-978, PD-1052, and PD-1291. The zoning allows single-family homes (on lots 1-38) and townhomes (on lots TH-1 through TH-15) only. The subject property, 4 Belmont Place, is located on lot 36, which is one of the lots that allows single family homes. Currently, the approved recorded plat for the subdivision allows for a 10' front setback based on the development plan approved as part of the Planned Development. The amended versions of the PD reflect various changes to minimum dwelling size of homes and the type of home development allowed.

As stated in the most recent PD amendment (PD-1619), the front setback was dictated by the development plan approved at the time the PD was approved. The original PD (PD-978) was approved in 1984 with the most recent amendment being approved in 1992 (PD-1619), which continued to state the minimum setbacks for each lot. Since the original subdivision plat specifically detailed a minimum front setback based on the configuration of each lot. A reduced front setback would not be aligned with the rest of the subdivision.

Staff acknowledge the minimum standards stated in PD-1619 along with the existing easements and creek on the property. Although this property is not located in the floodway or floodplain, development in or near the creek is not justifiable regarding life and safety.

Staff mailed out 13 public notices. No responses have been received in opposition or in support.

Per Article VI, Section 6.09 (a), of the Comprehensive Zoning Ordinance, the Zoning Board of Adjustment may authorize in specific cases a variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done.

Per Article VI, Section 6.09 (b), of the Comprehensive Zoning Ordinance, the conditions for granting a variance are as follows:

1. There are special circumstances existing on the property on which the application is made

related to the size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.

2. A variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed under this Ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
3. The granting of a variance on the specific property will not adversely affect the land use pattern as outlined in the Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan.
4. The granting of the variance will not be based upon the recognition of a self-imposed hardship or only the opportunity to make the property more profitable to the applicant and/or owner.
5. The variance, if granted, will not be material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity.

HARDSHIP

A hardship is present when the use of a property cannot be fully enjoyed due to the current zoning and/or development standards. There is no hardship presented as the easements and creek have existed on the property since its original recordation in 1984.

STAFF ANALYSIS

1. The granting of a variance on the specific property would adversely affect land use as it will require the current PD standards be amended for the entire subdivision.
2. The granting of the variance will not adversely affect other features of the Comprehensive Plan.
3. The variance is a self-imposed hardship and will not be a detriment to the public welfare, however, injure to the use, enjoyment, or value of property in the vicinity is still feasible.

ATTACHMENTS

Attachment 1 – Notification map (200 ft.)

Attachment 2 – Survey

Attachment 3 – Recorded plat

Attachment 4 – Proposed plan/floor plan

Attachment 4 – Ordinance No. 978 (PD-978)

Attachment 5 – Ordinance No. 1052 (PD-1052)

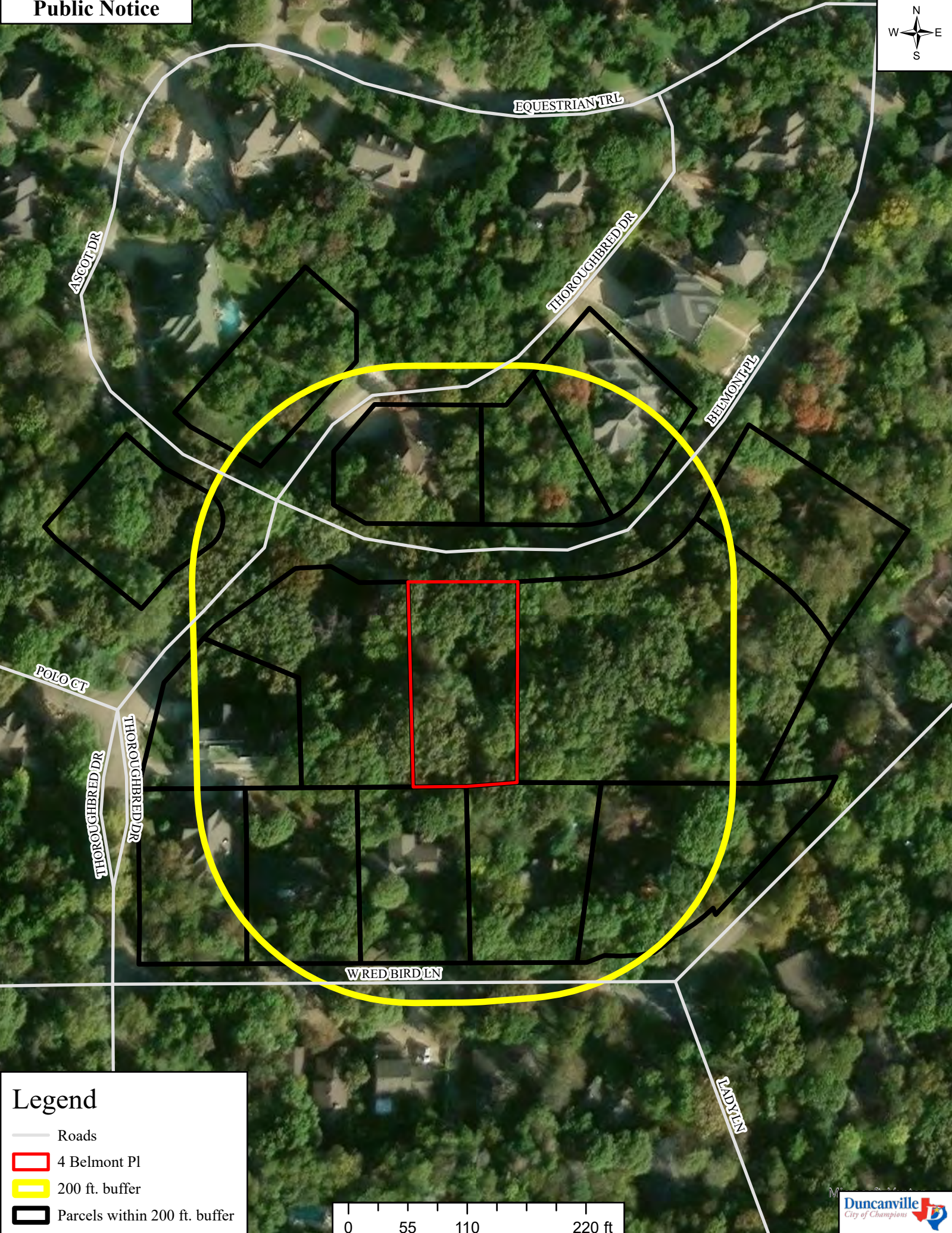
Attachment 6 – Ordinance No. 1291 (PD-1291)

Attachment 7 – Ordinance No. 1619 (PD-1619)

STAFF RECOMMENDATION

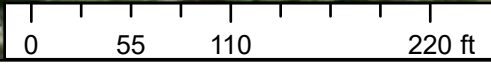
Staff recommends **denial** of the requested variance to allow a decreased front setback of 5 feet (5').

Public Notice



Legend

- Roads
- 4 Belmont Pl
- 200 ft. buffer
- Parcels within 200 ft. buffer



TITLE SURVEY

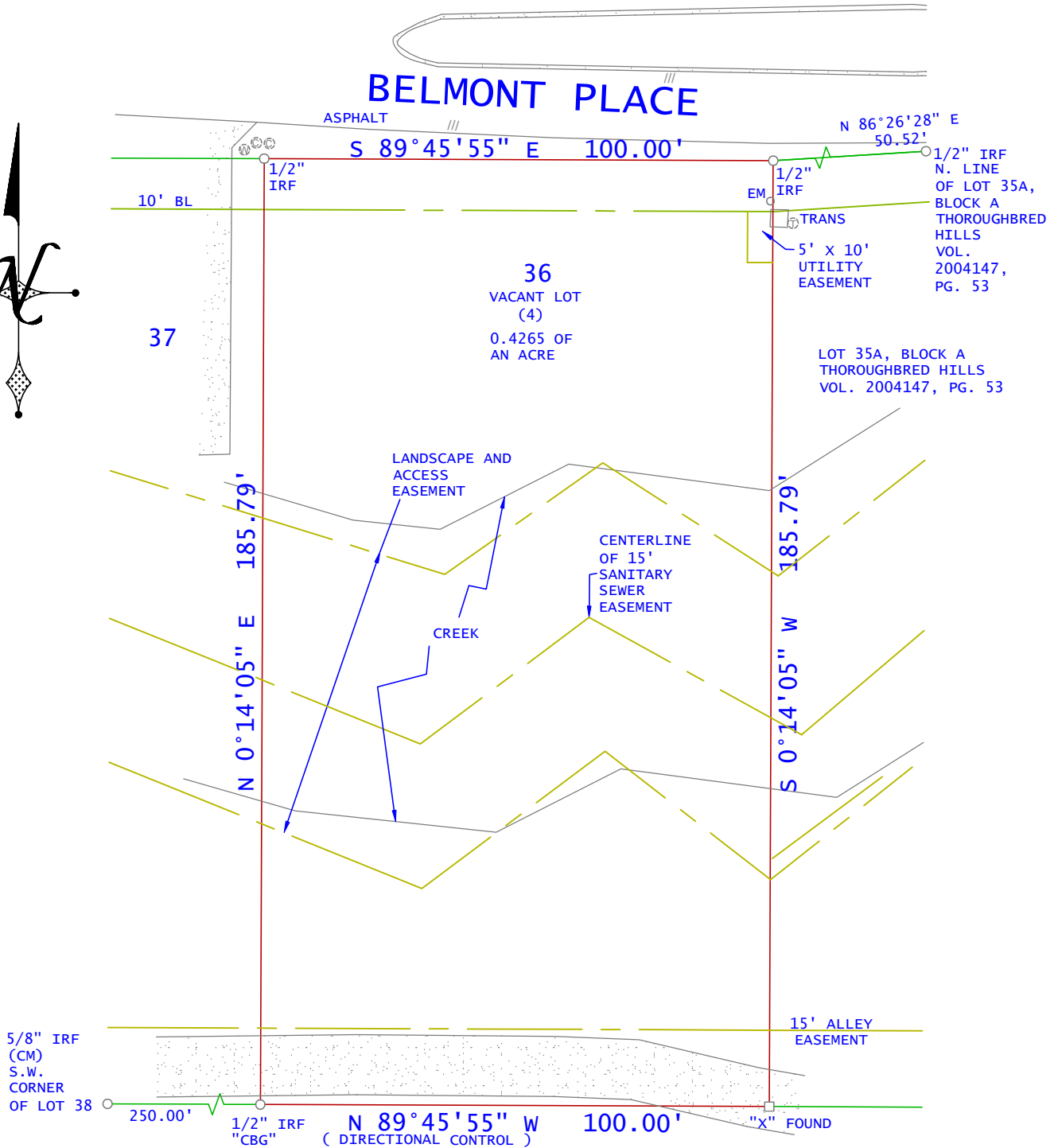
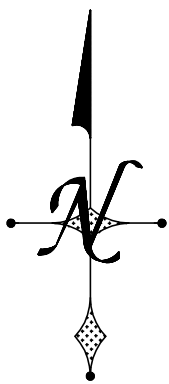


FIRM REGISTRATION NO. 10194366

BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 4 BELMONT PLACE, in the City of DUNCANVILLE, DALLAS County, Texas.

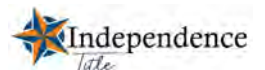
BEING Lot 36, Block A, THOROUGHBRED HILLS, an Addition in the City of Duncanville, Dallas County, Texas, according to Replat thereof, recorded in Volume 86069, Page 2913, Map Records, Dallas County, Texas.



PROPERTY SUBJECT TO
EASEMENTS & RESTRICTIONS
Volume 86069, Page 2913,
Volume 85226, Page 3066;
Volume 2003086, Page 11199;
and Clerk's File No.
20070007859, Volume 84218, Page
155, Volume 84218, Page 151

RED BIRD ADDITION
VOL. 19, PG. 259

ACCEPTED BY: _____



The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat: the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements.

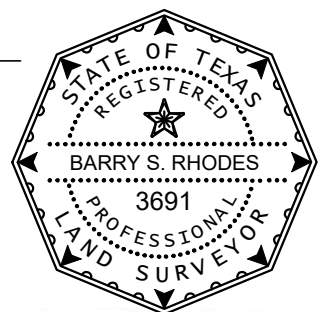
TITLE AND ABSTRACTING WORK FURNISHED BY INDEPENDENCE TITLE
THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

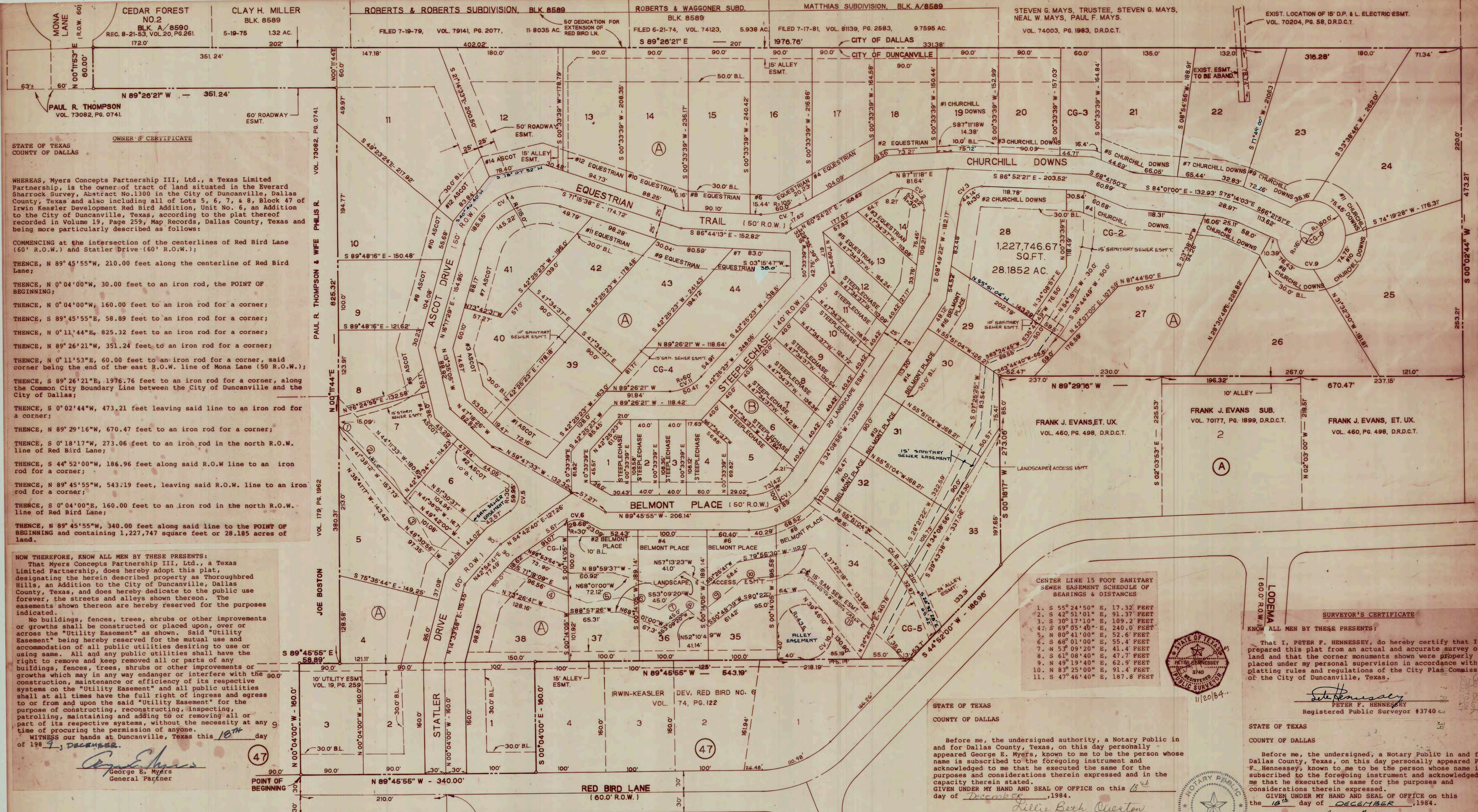
Scale: 1" = 30'
Date: 02/26/2025
G. F. No.: 2504489-STDF
Job no.: 202501673
Drawn by: CMR

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.
THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR
INDEPENDENCE TITLE

LEGEND	
WOOD FENCE	---//---
CHAIN LINK	---o---
BOUNDARY LINE	---[red]---
EASEMENT SETBACK	---[green]---
CM - CONTROLLING MONUMENT	---[red]---
MRD - MONUMENT OF RECORD DIGNITY	---[red]---
POINT FOR CORNER	---[red]---
1/2" YELLOW-CAPPED IRON ROD SET	---[red]---
STAMPED "BURNS SURVEYING"	---[red]---
X-CUT FOUND OR SET (AS NOTED)	---[red]---
FENCE POST FOR CORNER	---[red]---
MONUMENT FOUND	---[red]---
- CABLE	---[red]---
- CLEAN OUT	---[red]---
- GAS METER	---[red]---
- FIRE HYDRANT	---[red]---
- LIGHT POLE	---[red]---
- MANHOLE	---[red]---
IRON FENCE	---//---
WIRE FENCE	---x---
EM - ELECTRIC METER	---[red]---
- ELECTRIC	---[red]---
PE - POOL EQUIP	---[red]---
- POWER POLE	---[red]---
- TELEPHONE	---[red]---
- WATER METER	---[red]---
- WATER VALVE	---[red]---

(UNLESS OTHERWISE NOTED)





OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, Myers Concepts Partnership III, Ltd., a Texas Limited Partnership, is the owner of tract of land situated in the Everard Sharrock Survey, Abstract No. 1300 in the City of Duncanville, Dallas County, Texas, also including all of Lots 5, 6, 7, & 8, Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, according to the plat thereof recorded in Volume 19, Page 259, Map Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the centerlines of Red Bird Lane (60' R.O.W.) and Statler Drive (60' R.O.W.);

THENCE, N 89°45'55"W, 210.00 feet along the centerline of Red Bird Lane;

THENCE, N 0°04'00"W, 30.00 feet to an iron rod, the POINT OF BEGINNING;

THENCE, N 0°04'00"W, 160.00 feet to an iron rod for a corner;

THENCE, S 89°45'55"E, 58.89 feet to an iron rod for a corner;

THENCE, N 0°11'44"E, 825.32 feet to an iron rod for a corner;

THENCE, N 89°26'21"W, 351.24 feet to an iron rod for a corner;

THENCE, N 0°11'53"E, 60.00 feet to an iron rod for a corner, said corner being the end of the east R.O.W. line of Mona Lane (50 R.O.W.);

THENCE, S 89°26'21"E, 1976.76 feet to an iron rod for a corner, along the Common City Boundary Line between the City of Duncanville and the City of Dallas;

THENCE, S 0°02'44"W, 473.21 feet leaving said line to an iron rod for a corner;

THENCE, N 89°29'16"W, 670.47 feet to an iron rod for a corner;

THENCE, S 0°18'17"W, 273.06 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, S 44°52'00"W, 186.96 feet along said R.O.W. line to an iron rod for a corner;

THENCE, N 89°45'55"W, 543.19 feet, leaving said R.O.W. line to an iron rod for a corner;

THENCE, S 0°04'00"E, 160.00 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, N 89°45'55"W, 340.00 feet along said line to the POINT OF BEGINNING and containing 1,227,747 square feet or 28.185 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Myers Concepts Partnership III, Ltd., a Texas Limited Partnership, does hereby adopt this plat, designating the herein described property as Thoroughbred Hills, an Addition to the City of Duncanville, Dallas County, Texas, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. The easements shown thereon are hereby reserved for the purposes indicated.

No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the "Utility Easement" as shown. Said "Utility Easement" being hereby reserved for the mutual use and accommodation of all public utilities desiring to use or using same. All and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on the "Utility Easement" and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said "Utility Easement" for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems, without the necessity at any time of procuring the permission of anyone.

WITNESS our hands at Duncanville, Texas this 18th day of 1984, DECEMBER.

George E. Myers
George E. Myers
General Partner

CURVE NO.	CURVE DATA			CURVE NO.	CURVE DATA		
	INNER	%	OUTER		INNER	%	OUTER
1	62°09'	100.0'	125.0'	5	114°30'13"		
R	76.0'			T	30.0'		
T	39.95'	53.21'	60.98'	T	46.64'		
L	73.42'	97.89'	122.36'	L	59.95'		
2	101°38'04"			6	65°24'41"		
R	30.0'			T	30.0'		
T	36.81'			T	19.30'		
L	53.22'			L	34.29'		
3	84°18'11"			7	32°51'26"		
R	30.0'			T	105.0'		
T	27.16'			T	30.96'		
L	44.14'			L	60.21'		
4	92°20'59"	92°20'59"		8	31°18'35"		
R	90.0'	115.0'		T	210.0'		
T	93.93'	120.02'		T	58.85'		
L	145.22'	185.56'		L	114.76'		

CENTER LINE 15 FOOT SANITARY SEWER EASEMENT SCHEDULE OF BEARINGS & DISTANCES

- S 55°24'50"E, 17.32' FEET
- S 42°51'01"E, 91.37' FEET
- S 30°17'10"E, 109.2' FEET
- S 69°05'40"E, 240.0' FEET
- S 80°41'00"E, 52.6' FEET
- S 68°01'00"E, 55.4' FEET
- S 59°09'20"E, 41.4' FEET
- S 61°08'40"E, 47.7' FEET
- S 49°19'40"E, 62.9' FEET
- S 83°25'00"E, 91.4' FEET
- S 47°46'40"E, 187.8' FEET

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for Dallas County, Texas, on this day personally appeared George E. Myers, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 18th day of December, 1984.

Lillie Beth Overton
Lillie Beth Overton
Notary Public in and for Dallas County, Texas

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, PETER F. HENNESSEY, do hereby certify that I prepared this plat from an actual and accurate survey of land and that the corner monuments shown were properly placed under my personal supervision in accordance with platting rules and regulations of the City Plan-Commiss of the City of Duncanville, Texas.

Peter F. Hennessey
PETER F. HENNESSEY
Registered Public Surveyor #3740

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared P. F. Hennessey, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 18th day of DECEMBER, 1984.

John J. Hennessey
John J. Hennessey
Notary Public in and for Dallas County, Texas

APPROVED BY DUNCANVILLE CITY PLANNING COMMISSION ON THIS THE 18TH DAY OF DECEMBER 1984 BY *Chad White*
CHAIRMAN, PLANNING COMMISSION

FINAL PLAT THOROUGHbred HILLS

AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS

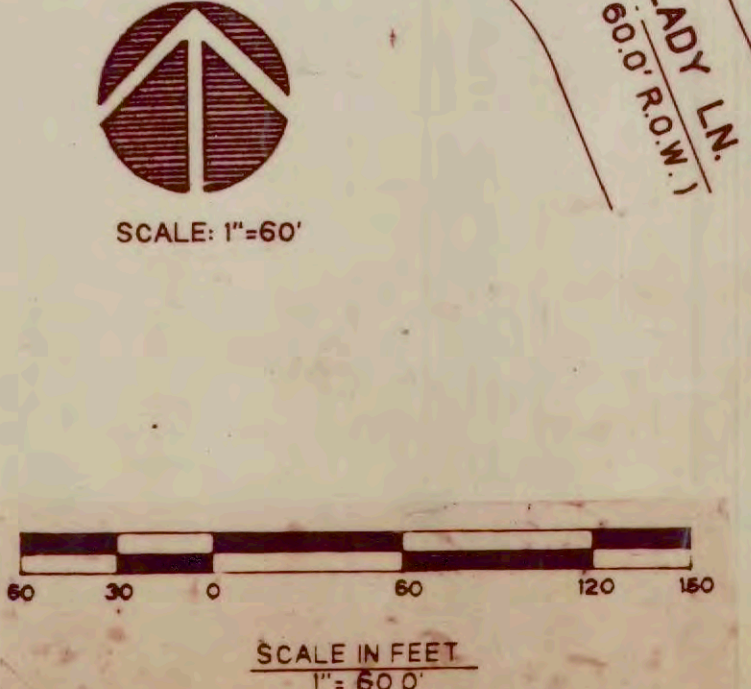
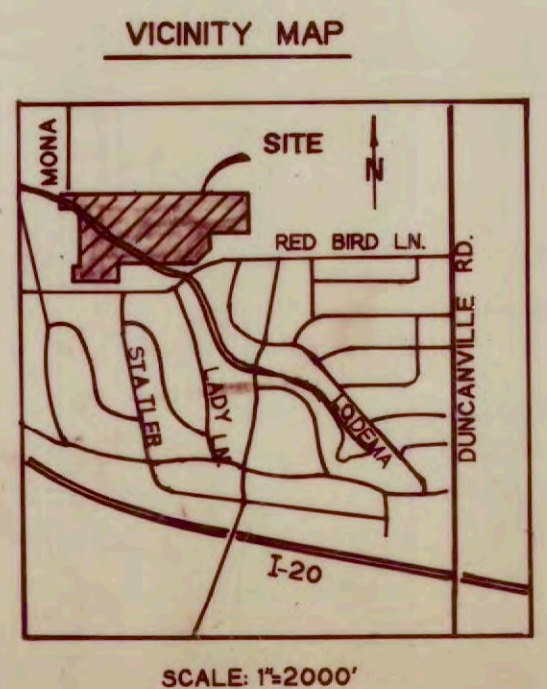
58 TOTAL LOTS
44 SINGLE FAMILY

THE EVERARD SHARROCK SURVEY-ABST. 1300 DALLAS COUNTY, TEXAS

GEORGE E. MYERS - OWNER
400 E. CENTER ST. #D 100, DUNCANVILLE, TX 75116
PH. 214-296-7053

HENNESSEY ENGINEERING, INC.
1409 THIRD ST. CARROLLTON, TEXAS 75006
PH. 214-245-9478

NOVEMBER, 1984



No. 978

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE OF ZONING FROM RESIDENTIAL-1 TO PLANNED DEVELOPMENT (SINGLE FAMILY AND TOWNHOUSES) ZONING CLASSIFICATION ON THE FOLLOWING DESCRIBED PROPERTY: TRACT "A": BEING THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN DALLAS COUNTY, TEXAS, AND BEING OUT OF THE E. SHARROCK SURVEY, ABSTRACT NO. 1300 AND BEING PART OF A 55 ACRE TRACT CONVEYED TO HENRY CARR ET AL, RECORDED IN VOLUME V, PAGE 268, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING KNOWN AS TRACTS I AND II CONVEYED TO CAPITAL CITIES COMMUNICATIONS, INC., BY DEED RECORDED IN VOLUME 76111, PAGE 1121, DEED RECORDS, DALLAS COUNTY, TEXAS, AND THAT CERTAIN TRACT CONVEYED TO CAPITAL CITIES COMMUNICATIONS, INC., BY DEED RECORDED IN VOLUME 76111, PAGE 1127, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER IN THE NORTHWEST LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE MOST EASTERLY CORNER OF LOT 1, BLOCK 47, IRWIN KEASLER DEVELOPMENT, RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF SAID BLOCK 47, 824.30 FEET TO AN IRON ROD FOR CORNER, SAID POINT BEING SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, 58.89 FEET FROM THE NORTHWEST CORNER OF LOT 8 IN SAID BLOCK 47; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF AFOREMENTIONED CAPITAL CITIES TRACT II; THENCE NORTH 00 DEGREE 14 MINUTES 09 SECONDS EAST, 827.36 FEET TO AN IRON ROD FOR CORNER, BEING THE SOUTHEAST CORNER OF SAID TRACT CONVEYED TO CAPITAL CITIES COMMUNICATIONS, INC., RECORDED IN VOLUME 76111, PAGE 1127, DEED RECORDS, DALLAS COUNTY, TEXAS; THENCE NORTH 89 DEGREES 30 MINUTES 12 SECONDS WEST, 356.27 FEET TO AN IRON ROD FOR CORNER, BEING THE SOUTHEAST CORNER OF A 60 FOOT BY 60 FOOT EASEMENT GRANTED TO SAM BATES, JR., BY CHESTIE

MIMS AND WIFE MARIE MIMS, BY EASEMENT DATED OCTOBER 4, 1954, RECORDED IN VOLUME 4122, PAGE 38, DEED RECORDS, DALLAS COUNTY, TEXAS; THENCE NORTH 00 DEGREE 14 MINUTES 09 SECONDS EAST, ALONG THE WEST LINE OF SAID EASEMENT, 60.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID EASEMENT; THENCE SOUTH 89 DEGREES 30 MINUTES 12 SECONDS EAST, 1310.87 FEET ALONG THE NORTH LINE OF E. SHARROCK SURVEY TO AN IRON ROD FOUND FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF AFOREMENTIONED CAPITAL CITIES I; THENCE SOUTH 00 DEGREE 10 MINUTES 39 SECONDS WEST, 747.84 FEET ALONG THE EAST LINE OF SAID CAPITAL CITIES TRACT I, 747.84 FEET TO AN IRON ROD FOR CORNER; BEING ON THE NORTHWESTERLY LINE OF RED BIRD LANE; THENCE SOUTH 44 DEGREES 44 MINUTES 30 SECONDS ALONG THE COMMON LINE OF SAID CAPITAL CITIES TRACT I AND RED BIRD LANE, 186.96 FEET TO THE PLACE OF BEGINNING AND CONTAINING 857,016 SQUARE FEET OR 19.6743 ACRES OF LAND; TRACT "B": BEING LOT 5 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, AND ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 5; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE AND SAID LOT 5, 100 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOTS 5 AND 6, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 100.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 4 AND 5, 160.00 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 15,999 SQUARE FEET OR 0.3672 ACRE OF LAND; TRACT "C": BEING LOT 6 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE MAP THEREOF

RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 6; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE AND SAID LOT 6, 50.00 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOT 6 AND 7, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 60.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 5 AND 6, 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9,599 SQUARE FEET OR 0.2203 ACRE OF LAND; TRACT "D": BEING LOT 7 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 7; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE, AND SAID LOT 7, 90 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOTS 7 AND 8, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 90.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 6 AND 7, 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 14,399 SQUARE FEET OR 0.3305 ACRE OF LAND; TRACT "E": BEING LOT 8 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE MAP THEREOF

RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE, (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 8; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE AND SAID LOT 8, 90 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOTS 8 AND 9, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 90.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 7 AND 8, 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 14,399 SQUARE FEET OR 0.3305 ACRE OF LAND; FURTHER DESCRIBED AS: BEING A 7.293 ACRE TRACT OF LAND SITUATED IN THE EVERARD SHARROCK SURVEY, ABSTRACT NO. 1300, DALLAS COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO STEVEN G. MAYS, TRUSTEE, STEVEN G. MAYS, NEAL W. MAYS AND PAUL F. MAYS AND RECORDED IN VOLUME 74003, PAGE 1983; VOLUME 74003, PAGE 1987; VOLUME 74003, PAGE 1991; VOLUME 74003, PAGE 1995; VOLUME 73252, PAGE 791; VOLUME 73252, PAGE 795; VOLUME 73252, PAGE 799 AND VOLUME 73252, PAGE 803, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON PIN, SET, BEING WEST 1970 FEET AND SOUTH 00 DEGREE 28 MINUTES EAST 1288.20 FEET OF THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RANCHERO LANE (A 60 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE CENTERLINE OF DUNCANVILLE ROAD, SAID IRON PIN BEING ON THE WESTERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO THE DUNCANVILLE INDEPENDENT SCHOOL DISTRICT AND RECORDED IN VOLUME 68020, PAGE 1282, SAID DEED RECORDS, SAID IRON PIN BEING ON THE COMMON CITY BOUNDARY LINE BETWEEN THE CITY OF DUNCANVILLE AND THE CITY OF DALLAS; THENCE SOUTH 00 DEGREE 28 MINUTES 00 SECOND EAST, 473.27 FEET ALONG SAID WESTERLY LINE TO A 5/8 INCH IRON

PIN, SET, FROM WHICH A 5/8 INCH IRON PIN BEARS NORTH 17 DEGREES 21 MINUTES 31 SECONDS WEST, 0.64 FEET, SAID SET IRON PIN ALSO BEING THE NORTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO FRANK J. EVANS, ET UX., AND RECORDED IN VOLUME 460, PAGE 498, SAID DEED RECORDS; THENCE WEST, 670.00 FEET ALONG THE NORTHERLY LINE OF SAID EVANS TRACT TO A 5/8 INCH IRON PIN, SET, FROM WHICH A 5/8 INCH IRON PIN BEARS NORTH 55 DEGREES 35 MINUTES 41 SECONDS WEST, 2.36 FEET, SAID SET 5/8 INCH IRON PIN BEING THE NORTHWESTERLY CORNER OF SAID EVANS TRACT ALSO BEING ON THE EASTERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO CAPITAL CITIES COMMUNICATIONS, INC., AND RECORDED IN VOLUME 76111, PAGE 1121, SAID DEED RECORDS; THENCE NORTH 00 DEGREE 28 MINUTES 00 SECOND WEST, 475.08 FEET ALONG SAID EASTERLY LINE TO A 5/8 INCH IRON PIN, SET, FROM WHICH A 5/8 INCH IRON PIN BEARS SOUTH 89 DEGREES 50 MINUTES 45 SECONDS EAST, 0.38 FEET AND A 1/2 INCH IRON PIN BEARS NORTH 87 DEGREES 20 MINUTES 30 SECONDS WEST, 0.53 FEET, SAID SET 5/8 INCH IRON PIN BEING THE NORTHEASTERLY CORNER OF SAID CAPITAL CITIES TRACT, ALSO BEING THE SOUTHEASTERLY CORNER OF BLOCK 1, MATTHIAS SUBDIVISION, RECORDED IN VOLUME 81139, PAGE 2583, SAID DEED RECORDS, SAID IRON PIN BEING ON THE AFOREMENTIONED CITY BOUNDARY LINE; THENCE SOUTH 89 DEGREES 50 MINUTES 45 SECONDS EAST, 670.02 FEET ALONG SAID CITY BOUNDARY LINE TO THE POINT OF BEGINNING AND CONTAINING 7.293 ACRES OF LAND, MORE OR LESS; APPROVING AND ATTACHING AS EXHIBIT "A" A COMPREHENSIVE SITE PLAN; PROVIDING SPECIAL CONDITIONS AND RESTRICTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City Plan Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with State laws with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Duncanville is of the opinion that said zoning change should be granted and the Comprehensive Zoning Ordinance should be amended; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE,
TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Duncanville be, and the same is hereby amended by amending the Zoning Map of the City of Duncanville so as to change the following described property from Residential-1 to Planned Development (Single Family and Townhomes) District Zoning Classification, to-wit:

TRACT "A"

BEING that certain tract or parcel of land situated in Dallas County, Texas, and being out of the E. Sharrock Survey, Abstract No. 1300 and being part of a 55 acre tract conveyed to Henry Carr, et al, recorded in Volume V, Page 268, Deed Records, Dallas County, Texas, and being known as Tracts I and II conveyed to Capital Cities Communications, Inc., by deed recorded in Volume 76111, Page 1121, Deed Records, Dallas County, Texas, and that certain tract conveyed to Capital Cities Communications, Inc., by deed recorded in Volume 76111, Page 1127, Deed Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner in the Northwest line of Red Bird Lane (60 foot right-of-way) said point being the most Easterly corner of Lot 1, Block 47, Irwin Keasler Development, Red Bird Addition, Unit No. 6, an addition to the City of Duncanville, Texas, according to the plat recorded in Volume 19, Page 259, Map Records, Dallas County, Texas;

THENCE North 89 degrees 53 minutes 30 seconds West, along the North line of said Block 47, 824.30 feet to an iron rod for corner, said point being South 89 degrees 53 minutes 30 seconds East, 58.89 feet from the Northwest corner of Lot 8 in said Block 47; said point also being the Southwest corner of aforementioned Capital Cities Tract II;

THENCE North 00 degree 14 minutes 09 seconds East, 827.36 feet to an iron rod for corner, being the Southeast corner of said tract conveyed to Capital Cities Communications, Inc., recorded in Volume 76111, Page 1127, Deed Records, Dallas County, Texas;

THENCE North 89 degrees 30 minutes 12 seconds West, 356.27 feet to an iron rod for corner, being the Southeast corner of a 60 foot by 60 foot easement granted to Sam Bates, Jr., by Chestie Mims and wife, Marie Mims, by easement dated October 4, 1954, recorded in Volume 4122, Page 38, Deed Records, Dallas County, Texas;

THENCE North 00 degree 14 minutes 09 seconds East, along the West line of said easement, 60.00 feet to an iron rod for corner at the Northeast corner of said easement;

THENCE South 89 degrees 30 minutes 12 seconds East, 1310.87 feet along the North line of E. Sharrock Survey to an iron rod found for corner, said point being the Northeast corner of aforementioned Capital Cities I;

THENCE South 00 degree 10 minutes 39 seconds West, 747.84 feet along the East line of said Capital Cities Tract I, 747.84 feet to an iron rod for corner; being on the Northwesterly line of Red Bird Lane;

THENCE South 44 degrees 44 minutes 30 seconds along the common line of said Capital Cities Tract I and Red Bird Lane, 186.96 feet to the PLACE OF BEGINNING and containing 857,016 square feet or 19.6743 acres of land.

TRACT "B"

BEING Lot 5 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, and according to the map thereof recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane (60 foot right-of-way) said point being the Southeast corner of Lot 5;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane and said Lot 5, 100 feet to an iron rod for corner at the Southwest corner of said lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lots 5 and 6, 160.00 feet to an iron rod for corner at the Northwest corner of said Lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 100.00 feet to an iron rod for corner at the Northeast corner of said Lot 5;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 4 and 5, 160.00 feet to the PLACE OF BEGINNING, and containing 15,999 square feet or 0.3672 acre of land.

TRACT "C"

BEING Lot 6 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, according to the map thereof recorded in Volume 19, Page 259, Map Recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane (60 foot right-of-way) said point being the Southeast corner of Lot 6;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane and said Lot 6, 60.00 feet to an iron rod for corner at the Southwest corner of said lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lot 6 and 7, 160.00 feet to an iron rod for corner at the Northwest corner of said Lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 60.00 feet to an iron rod for corner at the Northeast corner of said Lot 6;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 5 and 6, 160.00 feet to the PLACE OF BEGINNING and containing 9,599 square feet or 0.2203 acre of land.

TRACT "D"

BEING Lot 7 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, according to the map thereof recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane (60 foot right-of-way) said point being the Southeast corner of Lot 7;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane, and said Lot 7, 90 feet to an iron rod for corner at the Southeast corner of said Lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lots 7 and 8, 160.00 feet to an iron rod for corner at the Northwest corner of said Lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 90.00 feet to an iron rod for corner at the Northeast corner of said Lot 7;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 6 and 7, 160.00 feet to the PLACE OF BEGINNING and containing 14,399 square feet or 0.3305 acre of land.

TRACT "E"

BEING Lot 8 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, according to the map thereof recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane, (60 foot right-of-way) said point being the Southeast corner of Lot 8;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane and said Lot 8, 90 feet to an iron rod for corner at the Southwest corner of said Lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lots 8 and 9, 160.00 feet to an iron rod for corner at the Northwest corner of said lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 90.00 feet to an iron rod for corner at the Northeast corner of said Lot 8;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 7 and 8, 160.00 feet to the PLACE OF BEGINNING and containing 14,399 square feet or 0.3305 acre of land.

FURTHER DESCRIBED AS:

BEING a 7.293 acre tract of land situated in the Everard Sharrock Survey, Abstract No. 1300, Dallas County, Texas, also being a portion of that certain tract of land as described in deed to Steven G. Mays, Trustee, Steven G. Mays, Neal W. Mays and Paul F. Mays and recorded in Volume 74003, Page 1983; Volume 74003, Page 1987; Volume 74003, Page 1991; Volume 74003, Page 1995; Volume 73252, Page 791; Volume 73252, Page 795; Volume 73252, Page 799 and Volume 73252, Page 803, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron pin, set, being West 1970 feet and south 00 degree 28 minutes East 1288.20 feet of the intersection of the easterly prolongation of the southerly right-of-way line of Ranchero Lane (a 60 foot wide public right-of-way) with the centerline of Duncanville Road, said iron pin being on the westerly line of that certain tract of land as described in deed to the Duncanville Independent School District and recorded in Volume 68020, Page 1282, said Deed Records, said iron pin being on the common City boundary line between the City of Duncanville and the City of Dallas;

Records, said iron pin being on the common City boundary line between the City of Duncanville and the City of Dallas;

THENCE South 00 degree 28 minutes 00 second East, 473.27 feet along said westerly line to a 5/8 inch iron pin, from which a 5/8 inch iron pin bears North 17 degrees 21 minutes 31 seconds West, 0.64 feet, said set iron pin also being the northeasterly corner of that certain tract of land as described in deed to Frank J. Evans, et ux., and recorded in Volume 460, Page 498, said Deed Records;

THENCE West, 670.00 feet along the northerly line of said Evans tract to a 5/8 inch iron pin, set, from which a 5/8 inch iron pin bears North 55 degrees 35 minutes 41 seconds West, 2.36 feet, said set 5/8 inch iron pin being the northwesterly corner of said Evans tract also being on the easterly line of that certain tract of land as described in deed to Capital Cities Communications, Inc., and recorded in Volume 76111, Page 1121, said Deed Records;

THENCE North 00 degree 28 minutes 00 second West, 475.08 feet along said easterly line to a 5/8 inch iron pin, set, from which a 5/8 inch iron pin bears South 89 degrees 50 minutes 45 seconds East, 0.38 feet and a 1/2 inch iron pin bears North 87 degrees 20 minutes 30 seconds West, 0.53 feet, said set 5/8 inch iron pin being the northeasterly corner of said Capital Cities tract, also being the southeasterly corner of Block 1, Matthias Subdivision, recorded in Volume 81139, Page 2583, said Deed Records, said iron pin being on the aforementioned City boundary line;

THENCE South 89 degrees 50 minutes 45 seconds East, 670.02 feet along said City boundary line to the POINT OF BEGINNING and containing 7.293 acres of land, more or less.

SECTION 2. That the areas within said Planned Development District may be used as shown on Exhibit "A" attached hereto and made a part hereof for all purposes, and known as the site plan for Thoroughbred Hills. That the various areas of said development may be used as shown on said site plan, Lots TH-1 through TH-15 for townhomes, and Lots 1-38 for single family uses only.

SECTION 3. That the above zoning classifications is granted subject to the following special conditions and restrictions:

- (1) That the development include two means of ingress and egress, being the Statler exit and an emergency fire exit between Lots 30 and 31.
- (2) That the north-northwestern point of the development be dedicated as a roadway easement to provide access to Mona Lane if needed in the future.
- (3) That fifty feet along the northern boundary be set aside as a rear building line to provide for a possible future extension of Red Bird Lane by the City of Dallas.
- (4) That a roadway easement be provided between Lots 19 and 20 for northern access to a possible Red Bird Lane extension.

(5) That funds be placed in escrow by the developer to be held for at least five years after the date of the issuance of the first residential building permit in the development to be used for construction of streets on above-mentioned roadway easements if warranted.

(6) That traffic during the construction phase of the development be routed as best determined by the City Engineer.

(7) Except as otherwise provided herein or in the approved Site Plan, the area and use regulations of the "R-1" Single Family Dwelling District Classification shall apply to building construction and use within the area of this Planned Development District.

(8) No building shall exceed three (3) stories in height.

(9) Townhouse Lots, TH-1 through TH-15 shall require no front yard set backs except landscape easement shown on the Site Plan.

(10) Townhouse Lots, TH-1 through TH-15 shall have "zero-lot-line side yard" set backs as follows: a "zero-lot-line side yard" or building line shall mean a side building line that is situated on or within three (3) feet of the east side property line only; except, Lot TH-1 may use either side building line as a "zero-lot-line side yard" or building line.

(11) The area of dwelling on the single-family lots shall have a minimum of two thousand (2,000) square feet in area.

(12) The area of dwelling on the townhouse lots TH-1 through TH-15 shall have a minimum of one thousand five hundred (1,500) square feet in area.

(13) Alleys are required only as shown on the Site Plan. Pedestrian walkways are to be "Nature Trails" along landscape and access easements as shown on the Site Plan. Concrete walkways at the streets shall be omitted.

(14) The building lines are established by the Site Plan.

SECTION 4. That all conditions and restrictions imposed in this ordinance, relative to the development of this Planned Development District, shall be complied with before a Certificate of Occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to the approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

SECTION 5. Should any of the sections, paragraphs, sentences, clauses, or phrases of this ordinance be held or determined to be invalid or unconstitutional by a court of competent jurisdiction, such holding or determination shall not affect the remaining portions of this ordinance which are declared to be severable.

SECTION 6. That all ordinances of the City of Duncanville in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That the hereinafter described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this zoning change.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 15 day of October, 1984.

APPROVED:


MAYOR

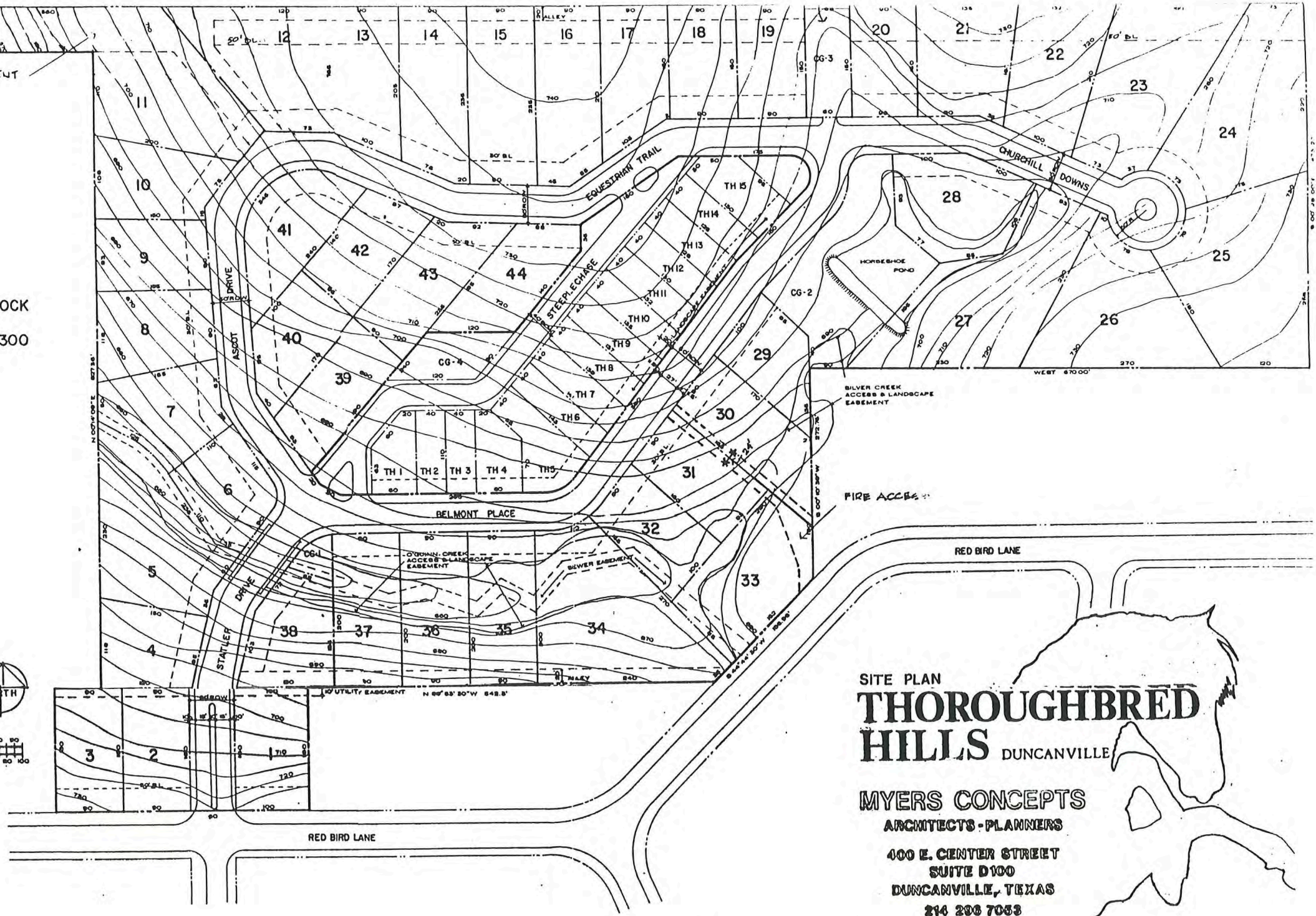
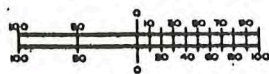
DULY RECORDED:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

EVERARD SHARROCK
SURVEY
ABSTRACT - 1300



SITE PLAN
**THOROUGHbred
HILLS** DUNCANVILLE

MYERS CONCEPTS
ARCHITECTS-PLANNERS
400 E. CENTER STREET
SUITE D100
DUNCANVILLE, TEXAS
214 296 7053

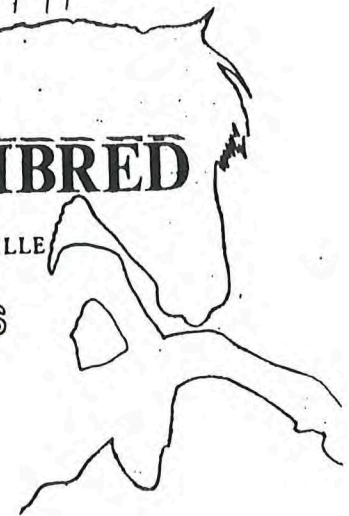


EXHIBIT B

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE OF ZONING FROM RESIDENTIAL-1 TO PLANNED DEVELOPMENT (SINGLE FAMILY) DISTRICT ZONING CLASSIFICATION ON THE FOLLOWING DESCRIBED PROPERTY: BEING A 4.565 ACRE TRACT OF LAND SITUATED IN THE CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS, AND OUT OF THE E. SHARROCK SURVEY, ABSTRACT NUMBER 1300, ALSO BEING THE TRACT OF LAND CONVEYED TO JOE C. BOSTON BY DEED RECORDED IN VOLUME 179, PAGE 1962 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, TOGETHER WITH THE TRACT OF LAND CONVEYED TO JOE C. BOSTON RECORDED IN VOLUME 71119, PAGE 2227 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, SAID 4.565 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY LINE OF RED BIRD LANE (A 60 FOOT RIGHT-OF-WAY) FOR THE SOUTHWEST CORNER OF LOT 13, BLOCK 47 OF UNIT #6 RED BIRD ADDITION, AN ADDITION TO THE CITY OF DUNCANVILLE RECORDED BY PLAT IN VOLUME 19, PAGE 259 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, (SAID LOT 13 BEING THE SAME TRACT OF LAND CONVEYED TO JOE C. BOSTON IN VOLUME 71119, PAGE 2227); THENCE WITH THE WESTERLY LINE OF SAID LOT 13 NORTH 14°38'04" EAST A DISTANCE OF 165.07 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER; THENCE WITH THE EAST LINE OF BLOCK 47 NORTH 00°06'30" EAST A DISTANCE OF 383.39 FEET TO A 1/2 INCH IRON ROD IN CONCRETE FOUND FOR CORNER; THENCE SOUTH 89°25'37" EAST A DISTANCE OF 480.47 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER; THENCE SOUTH 00°45'20" EAST A DISTANCE OF 380.31 FEET TO A 3/8 INCH IRON ROD FOUND FOR CORNER IN THE NORTH LINE OF SAID BLOCK 47; THENCE WITH THE NORTH LINE OF BLOCK 47 NORTH 89°48'03" WEST, AT 58.87 FEET PASSING A 3/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 8, BLOCK 47, AT 327.27 FEET PASSING A 3/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 11, BLOCK 47, IN ALL A DISTANCE OF 416.79 FEET TO A 1/2 INCH IRON ROD SET FOR THE NORTHEAST CORNER OF LOT 13; THENCE WITH THE EAST LINE OF LOT 13 SOUTH 00°23'47"

WEST A DISTANCE OF 159.69 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF RED BIRD LANE; THENCE WITH THE NORTH RIGHT-OF-WAY LINE OF RED BIRD LANE NORTH 89°53'30" WEST A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 4.565 ACRES OF LAND; APPROVING AND ATTACHING AS EXHIBIT "A" A COMPREHENSIVE SITE PLAN OF THE ABOVE-DESCRIBED PROPERTY AND THE BALANCE OF THE THOROUGHbred HILLS DEVELOPMENT AS DESCRIBED IN ORDINANCE NO. 978; PROVIDING SPECIAL CONDITIONS AND RESTRICTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City Plan Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with State laws with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Duncanville is of the opinion that said zoning change should be granted and the Comprehensive Zoning Ordinance should be amended; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Duncanville be, and the same is hereby, amended by amending the Zoning Map of the City of Duncanville so as to change the following described property from Residential-1 to Planned Development (Single Family) District zoning classification, to-wit:

BEING a 4.565 acre tract of land situated in the City of Duncanville, Dallas County, Texas, and out of the E. Sharrock Survey, Abstract Number 1300, also being the tract of land conveyed to Joe C. Boston by deed recorded in Volume 179, Page 1962 of the Deed Records of Dallas County, Texas, together with the tract of land conveyed to Joe C. Boston recorded in Volume 71119, Page 2227 of the Deed Records of Dallas County, Texas, said 4.565 acre tract of land being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found in the north right-of-way line of Red Bird Lane (a 60 foot right-of-way) for the southwest corner of Lot 13, Block 47 of Unit #6 Red Bird Addition, an addition to the City of Duncanville recorded by plat in Volume 19, Page 259 of the Deed Records of Dallas County, Texas, (said Lot 13 being the same tract of land conveyed to Joe C. Boston in Volume 71119, Page 2227);

THENCE with the westerly line of said Lot 13 North 14°38'04" East a distance of 165.07 feet to a 1/2 inch iron rod set for corner;

THENCE with the east line of Block 47 North 00°06'30" East a distance of 383.39 feet to a 1/2 inch iron rod in concrete found for corner;

THENCE South 89°25'37" East a distance of 480.47 feet to a 1/2 inch iron rod found for corner;

THENCE South 00°45'20" East a distance of 380.31 feet to a 3/8 inch iron rod found for corner in the north line of said Block 47;

THENCE with the north line of Block 47 North 89°48'03" West, at 58.87 feet passing a 3/8 inch iron rod found for the northwest corner of Lot 8, Block 47, at 327.27 feet passing a 3/8 inch iron rod found for the northwest corner of Lot 11, Block 47, in all a distance of 416.79 feet to a 1/2 inch iron rod set for the northeast corner of Lot 13;

THENCE with the east line of Lot 13 South 00°23'47" West a distance of 159.69 feet to a 1/2 inch iron rod set for corner in the north right-of-way line of Red Bird Lane;

THENCE with the north right-of-way line of Red Bird Lane North 89°53'30" West a distance of 110.00 feet to the POINT OF BEGINNING;

CONTAINING an area of 4.565 acres of land.

SECTION 2. That the areas within said Planned Development District may be used as shown on Exhibit "A" attached hereto and made a part hereof for all purposes, and known as the site plan for Thoroughbred Hills. That the above-described property is an addition to the Thoroughbred Hills Development and the Planned Development District granted by Ordinance No. 978 of the City of Duncanville in October, 1984. That the above-described property may be used as shown on said site plan for single family uses only.

SECTION 3. That the above zoning classification is granted subject to the special conditions and restrictions set out in Section 3. of Ordinance 978 insofar as they apply to single family uses and, further, subject to the provisions of Exhibit "A".

SECTION 4. That all conditions and restrictions imposed in this ordinance and by reference herein to Ordinance 978, as well as by the site plan attached hereto as Exhibit "A" relative to the development of this Planned Development District, shall be complied with before a certificate of occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to the approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

SECTION 5. Should any of the sections, paragraphs, sentences, clauses, or phrases of this ordinance, be held or determined to be invalid or unconstitutional by a court of competent jurisdiction, such holding or determination shall not affect the remaining portions of this ordinance which are declared to be severable.

SECTION 6. That all ordinances of the City of Duncanville in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That the above-described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville as amended hereby.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred (\$200.00) Dollars for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 26th day of January, 1986.

APPROVED:

[Signature]
MAYOR

DULY RECORDED:

[Signature]
CITY SECRETARY

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

ORDINANCE NO. 1291

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT DISTRICT ZONING SO AS TO PROVIDE FOR ONLY SINGLE FAMILY USE IN THE PLANNED DEVELOPMENT DISTRICT AS HERETOFORE ZONED BY ORDINANCE NO. 978 AND ORDINANCE NO. 1052 SO AS TO RESTRICT THE PLANNED DEVELOPMENT DISTRICT TO SINGLE FAMILY USES, SUBJECT TO SPECIAL CONDITIONS, ON PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; APPROVING AND ATTACHING AS EXHIBIT "B" A REVISED COMPREHENSIVE SITE PLAN; PROVIDING SPECIAL CONDITIONS AND RESTRICTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City Planning Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with State laws with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and all persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Duncanville is of the opinion that said zoning changes should be granted, and the Comprehensive Zoning Ordinance should be amended; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Duncanville be, and the same is hereby, amended by amending the Zoning Map of the City of Duncanville, so as to change the following described property from Planned Development District (Single Family and Town Homes District) to Planned Development District (Single Family Homes Only) Zoning District classifications on the property described in Exhibit "A", attached hereto and made a part hereof for all purposes.

SECTION 2. That the areas within said Planned Development District may be used as shown on Exhibit "B" attached hereto and made a part hereof for all purposes, and known as the Revised Site Plan for Thoroughbred Hills. That the various areas of said development may be used as shown on said site plan for Single Family Uses only.

SECTION 3. That the above Planned Development District Zoning classification for Single Family Uses is granted subject to the following special conditions and restrictions:

1. That the Development include two means of ingress and egress, being the Statler exit and an emergency fire exit between lots 32A and 32A, and Lots

33A and Common Ground No. 5.

2. That the North-Northwestern point of the development be dedicated as a roadway easement to provide access to Mona Lane if needed in the future.
3. That fifty (50) feet along the northern boundary be set aside as a rear building line to provide for a possible future extension of Redbird Lane by the City of Dallas.
4. That a roadway easement be provided between Lots 20 and 21 for northern access to a possible Redbird Lane extension.
5. That traffic during the construction phase of the Development be routed as best determined by the City Engineer.
6. Except as otherwise provided herein or in the approved Revised Site Plan, the area and use regulations of the "R-1" Single Family Dwelling District classification shall apply to building construction and use within the area of this Planned Development District.
7. No building shall exceed three (3) stories in height.
8. The area of dwellings on the single family lots shall have a minimum of two thousand (2,000) square feet in area.
9. Alleys are required as shown on the Site Plan. Pedestrian walkways are to be "Nature Trails" along landscaped and access easements as shown on the revised Site Plan. Concrete walkways at the street shall be omitted.
10. The building lines are established by the revised Site Plan (Exhibit "B").

SECTION 4. That all conditions and restrictions imposed in this ordinance, relative to the development of this Planned Development District, shall be complied with before a Certificate of Occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

SECTION 5. That should any sentence, paragraph, 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 provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That all provisions of the ordinances of the City of Duncanville

in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That the hereinafter described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this zoning change.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Duncanville, Texas on the 17th day of February, 1992.


APPROVED:


MAYOR

DULY RECORDED:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

(HLN/jd 2-10-92)

EXHIBIT "A"

BEING a 32.4495 acre tract of land situated in the Everard Sharrock Survey, Abstract No. 1300 in the City of Duncanville, Dallas County, Texas.

COMMENCING at the intersection of the centerlines of Red Bird Lane (60' R.O.W.) and Statler Drive (60' R.O.W.);

THENCE, N 89° 45'55" W, 210.00 feet along the centerline of Red Bird Lane;

THENCE, N 00° 04'00" W, 30.00 feet to an iron rod, the POINT OF BEGINNING;

THENCE, N 00° 04'00" W, 160 feet to an iron rod for a corner;

THENCE, N 89° 48'03" W, 427.30 feet to an iron rod for a corner;

THENCE, N 00° 06'30" E, 383.39 feet to an iron rod for a corner;

THENCE, S 89° 26'03" E, 486.78 feet to an iron rod for a corner;

THENCE, N 00° 11'44" E, 445.01 feet to an iron rod for a corner;

THENCE, N 89° 26'21" W, 351.24 feet to an iron rod for a corner;

THENCE, N 00° 11'53" E, 60.00 feet to an iron rod for a corner;

THENCE, S 89° 26'21" E, 1976.76 feet to an iron rod for a corner, along the common City Boundary Line between the City of Duncanville and the City of Dallas;

THENCE, S 00° 02'44" W, 473.21 feet leaving said line to an iron rod for a corner;

THENCE, N 89° 29'16" W, 670.47 feet to an iron rod for a corner;

THENCE, S 00° 18'17" W, 273.06 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, S 44° 52'00" W, 186.96 feet along said R.O.W. line to an iron rod for a corner;

THENCE, N 89° 45'55" W, 543.19 feet, leaving said R.O.W. line to an iron rod for a corner;

THENCE, S 00° 04'00" E, 160.00 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, N 89° 45'55" W, 340.00 feet along said line to the POINT OF BEGINNING and containing 1,413,501 square feet or 32.4495 acres of land.

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO AMEND THE SPECIAL CONDITIONS FOR THE PLANNED DEVELOPMENT DISTRICT FOR THOROUGHbred HILLS TO REQUIRE A MINIMUM AREA FOR DWELLINGS ON SINGLE FAMILY LOTS OF 3,000 SQUARE FEET, SAID PLANNED DEVELOPMENT HERETOFORE ESTABLISHED BY ORDINANCE 978 AND ORDINANCE NO. 1052 AND AMENDED BY ORDINANCE NO. 1291, ON PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with state laws with reference to the granting of zoning classifications and changes, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Duncanville is of the opinion that said zoning changes should be granted, and the Comprehensive Zoning Ordinance should be amended; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE,

TEXAS:

SECTION 1. That the special conditions for the Planned Development District for Thoroughbred Hills be, and the same are hereby, amended in part by amending Section 3, paragraph 8, of Ordinance No. 1291, to read as follows:

8. The area of dwellings on the single family lots shall be a minimum of three thousand (3,000) square feet.

SECTION 2. That all other conditions and restrictions imposed in Ordinance 1291, relative to the development of this Planned Development District, shall be complied with before a

Certificate of Occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

SECTION 3. That should any sentence, paragraph, 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 provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. That all provisions of the ordinances of the City of Duncanville in conflict with provisions of this ordinance be, and same are hereby repealed, and all other provisions of this ordinance shall remain in full force and effect.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor, and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by 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 constitute a separate offense.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY ADOPTED by the City Council of the City of Duncanville, Texas on the

18th day of January, 2000.

APPROVED:

Glenn A. Repp
MAYOR

DULY RECORDED:

James F. Fritch
CITY SECRETARY

APPROVED AS TO FORM:

Robert D. Williams

CITY ATTORNEY
(RLD, 1-11-00)

EXHIBIT "A"

BEING a 32.4495 acre tract of land situated in the Everard Sharrock Survey, Abstract No. 1300 in the City of Duncanville, Dallas County, Texas.

COMMENCING at the intersection of the centerlines of Red Bird Lane (60' R.O.W.) and Statler Drive (60' R.O.W.);

THENCE, N 89° 45'55" W, 210.00 feet along the centerline of Red Bird Lane;

THENCE, N 00° 04'00" W, 30.00 feet to an iron rod, the POINT OF BEGINNING;

THENCE, N 00° 04'00" W, 160 feet to an iron rod for a corner;

THENCE, N 89° 48'03" W, 427.30 feet to an iron rod for a corner;

THENCE, N 00° 06'30" E, 383.39 feet to an iron rod for a corner;

THENCE, S 89° 26'03" E, 486.78 feet to an iron rod for a corner;

THENCE, N 00° 11'44" E, 445.01 feet to an iron rod for a corner;

THENCE, N 89° 26'21" W, 351.24 feet to an iron rod for a corner;

THENCE, N 00° 11'53" E, 60.00 feet to an iron rod for a corner;

THENCE, S 89° 26'21" E, 1976.76 feet to an iron rod for a corner, along the common City Boundary Line between the City of Duncanville and the City of Dallas;

THENCE, S 00° 02'44" W, 473.21 feet leaving said line to an iron rod for a corner;

THENCE, N 89° 29'16" W, 670.47 feet to an iron rod for a corner;

THENCE, S 00° 18'17" W, 273.06 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, S 44° 52'00" W, 186.96 feet along said R.O.W. line to an iron rod for a corner;

THENCE, N 89° 45'55" W, 543.19 feet, leaving said R.O.W. line to an iron rod for a corner;

THENCE, S 00° 04'00" E, 160.00 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, N 89° 45'55" W, 340.00 feet along said line to the POINT OF BEGINNING and containing 1,413,501 square feet or 32.4495 acres of land.

EXHIBIT "A"


LOCATION:	6 Belmont Place, Duncanville, TX 75116
OWNER:	Nivardo Meraz
APPLICANT:	Nivardo Meraz
ZONING DISTRICT:	Planned Development 1619 (PD-1619)
REASON FOR DESIRED ADJUSTMENT:	Decreased front setback to 0' (zero lot line) instead of 10 feet (10')

BACKGROUND

The applicant is requesting a variance for a decreased front setback to build a residential home. The current front setback minimum requirement is 10' and the applicant is requesting 0' or a zero lot line setback.

The subject property is part of the Thoroughbred Hills Addition, lot 35A, block A on 1.221 acres.



Figure 1 – Zoning Map
Subject Property 

STANDARDS AND FINDINGS

The subject property is currently zoned Planned Development 1619 (PD-1619) with previous iterations being PD-978, PD-1052, and PD-1291. The zoning allows single-family homes (on lots 1-38) and townhomes (on lots TH-1 through TH-15) only. The subject property, 6 Belmont Place, is located on lot 35A, which is one of the lots that allow single family homes. Currently, the approved recorded plat for the subdivision allows for a 10' front setback based on the development plan approved as part of the Planned Development. The amended versions of the PD reflect various changes to minimum dwelling size of homes and the type of home development allowed.

As stated in the most recent PD amendment (PD-1619), the front setback was dictated by the development plan approved at the time the PD was approved. The original PD (PD-978) was approved in 1984 with the most recent amendment being approved in 1992 (PD-1619), which continued to state the minimum setbacks for each lot. Since the original subdivision plat specifically detailed a minimum front setback based on the configuration of each lot. A reduced front setback to 0' or also known as a 'zero lot line' would not be aligned with the rest of the subdivision or on that street.

Staff acknowledge the minimum standards stated in PD-1619 along with the existing easements on the property. The current configuration of the lot and proposed residential structure would not allow for the structure to be built on top of an easement particularly those that require public access for maintenance.

Staff mailed out 20 public notices. No responses have been received in opposition or in support.

Per Article VI, Section 6.09 (a), of the Comprehensive Zoning Ordinance, the Zoning Board of Adjustment may authorize in specific cases a variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done.

Per Article VI, Section 6.09 (b), of the Comprehensive Zoning Ordinance, the conditions for granting a variance are as follows:

6. There are special circumstances existing on the property on which the application is made

related to the size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.

7. A variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed under this Ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
8. The granting of a variance on the specific property will not adversely affect the land use pattern as outlined in the Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan.
9. The granting of the variance will not be based upon the recognition of a self-imposed hardship or only the opportunity to make the property more profitable to the applicant and/or owner.
10. The variance, if granted, will not be material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity.

HARDSHIP

A hardship is present when the use of a property cannot be fully enjoyed due to the current zoning and/or development standards. There is no hardship presented as the easements and current zoning have existed on the property since its original recordation in 1984.

STAFF ANALYSIS

4. The granting of a variance on the specific property would adversely affect land use as it will require the current PD standards to be amended for the entire subdivision.
5. The granting of the variance will not adversely affect other features of the Comprehensive Plan.
6. The variance is a self-imposed hardship and will not be a detriment to the public welfare, however, injure to the use, enjoyment, or value of property in the vicinity is still feasible.

ATTACHMENTS

Attachment 1 – Notification map (200 ft.)
Attachment 2 – Survey
Attachment 3 – Recorded plat
Attachment 4 – Proposed plan/floor plan
Attachment 4 – Ordinance No. 978 (PD-978)
Attachment 5 – Ordinance No. 1052 (PD-1052)
Attachment 6 – Ordinance No. 1291 (PD-1291)
Attachment 7 – Ordinance No. 1619 (PD-1619)

STAFF RECOMMENDATION

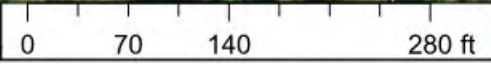
Staff recommends **denial** of the requested variance to allow a decreased front setback of 0’.

Public Notice



Legend

- Roads
- 6 Belmont Pl
- 200 ft. buffer
- Parcels within 200 ft. buffer

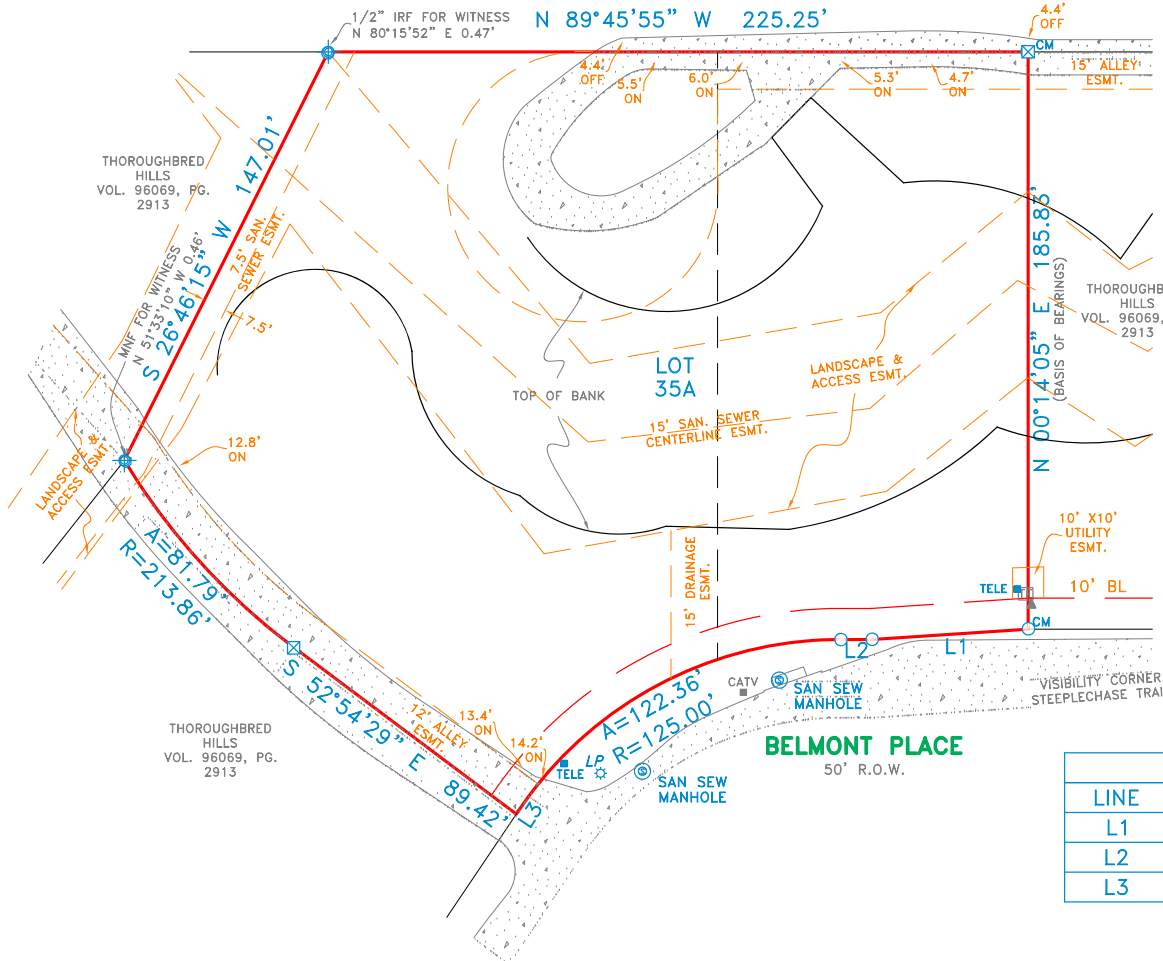




6 Belmont Place

Lot 35A, Block A, THOROUGHBREDED HILLS, an Addition to the City of Duncanville, Dallas County, Texas, according to the map or plat thereof, recorded in Volume 2004147, Page 53, Map/Plat Records, Dallas County, Texas.

IRWIN-KEASLER DEVELOPMENT, RED BIRD NO.6
VOL.74, PAGE 122



Independence Title
Explore: www.independencetitle.com

LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- MAG NAIL FOUND
- ⊗ "X" FOUND
- ⊕ POINT FOR CORNER
- ⊗ 5/8" ROD FOUND
- T TRANSFORMER PAD
- COLUMN
- ▲ UNDERGROUND ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- DOUBLE SIDED WOOD FENCE
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- POWER POLE
- △ OVERHEAD ELECTRIC
- I— IRON FENCE
- X — BARBED WIRE
- E— EDGE OF ASPHALT
- G— EDGE OF GRAVEL
- STONE
- CONCRETE
- COVERED AREA
- BRICK

EXCEPTIONS:
NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN VOL. 2004147, PG. 53; VOL. 86069, PG. 2913; VOL. 85226, PG. 3066; VOL. 2003086, PG. 11199; C.F. # 20070007859
EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY
VOL. 84218, PG. 155; VOL. 84218, PG. 151

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.52'	N 86°26'28" E
L2	10.00'	S 89°45'55" E
L3	1.16'	N 34°08'57" E

NOTES:
BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
FLOOD NOTE: According to the F.I.R.M. No. 4811C470K, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Independence Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: _____ Accepted by: _____
Purchaser
Purchaser

Drawn By: ML/JCM
Scale: 1" = 40'
Date: 1-14-2021
GF No.: 2075551-SDDF
Job No. 2100616

419 Century Plaza Dr., Ste. 210
Houston, TX 77073
P 281.443.9288
F 281.443.9224
Firm No. 10194280
www.cbgtxtl.com

GENERAL SITE NOTES:

- | | |
|--|---|
| <p>1.0 BUILDER TO RESCULPTURE TOPO/FINISH GRADE TO PROVIDE PROPER DRAINAGE OF SURFACE WATER AWAY FROM BUILDING AS REQ'D.</p> <p>2.0 FINAL LOCATION OF PROPOSED RESIDENCE TO BE DETERMINED BY BUILDER.</p> <p>3.0 EXPOSED FOUNDATION TO BE MINIMUM OF 8" AND A MAXIMUM OF 24" ABOVE FINISHED GRADE OR PER SUBDIVISION REQUIREMENTS. UNDERPIN ALL EXPOSED FOUNDATIONS.</p> <p>4.0 THERE ARE NO STORM SEWER INLETS WITHIN THE LOT FRONTAGE OR 10'-0" BEYOND THE SIDE PROPERTY LINES.</p> <p>5.0 UTILITY LINE LOCATIONS ARE APPROXIMATES- GENERAL CONTRACTOR TO FIELD VERIFY FOR EXACT LOCATIONS.</p> <p>6.0 VERIFY METER AND UTILITY SERVICE LOCATIONS PRIOR TO INSTALLATION.</p> <p>7.0 EROSION CONTROL BARRIERS TO BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION.</p> <p>8.0 STABILIZED TEMPORARY CONSTRUCTION DRIVEWAY TO BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION.</p> <p>9.0 CONFIRM ALL DRIVEWAY, WALKWAY AND PVC LAYOUTS/LOCATIONS PRIOR TO COMMENCING WORK.</p> | <p>10.0 PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE DRIVES, WALKS AND PATIOS.</p> <p>11.0 ALL EXTERIOR HVAC EQUIPMENT TO BE SCREENED PER CITY REQUIREMENTS, DEED RESTRICTIONS OF SUBDIVISION OR NEIGHBORHOOD ASSOCIATION.</p> <p>12.0 GARBAGE RECEPTACLES TO BE STORED IN GARAGE OR SCREENED FROM VIEW AND ANIMAL ACCESS.</p> <p>13.0 LOCATION OF MAILBOX AND EXTERIOR DRIVEWAY LIGHT(S) TO BE VERIFIED PRIOR TO INSTALLATION.</p> <p>14.0 ALL CONSTRUCTION MATERIALS AND WASTE TO BE STORED ON SITE DURING CONSTRUCTION.</p> <p>15.0 LANDSCAPE PLANS TO BE PROVIDED BY OTHERS AND PERMIT FOR SAME TO BE OBTAINED SEPARATELY FROM THESE PLANS.</p> <p>16.0 NO EXISTING TREES TO BE REMOVED OR DISTURBED WITHOUT OWNER APPROVAL.</p> <p>17.0 ALL STUMPS AND ROOTS SHALL BE REMOVED FROM THE SOIL TO A DEPTH OF 12" BELOW THE SURFACE OF THE GROUND IN THE AREA OF THE BUILDING.</p> <p>18.0 CONTRACTOR SHALL CLEAN UP AREAS AFFECTED BY DAILY WORK AND REMOVE DEBRIS AND MATERIALS FROM THE SITE UPON COMPLETION OF THE WORK.</p> |
|--|---|

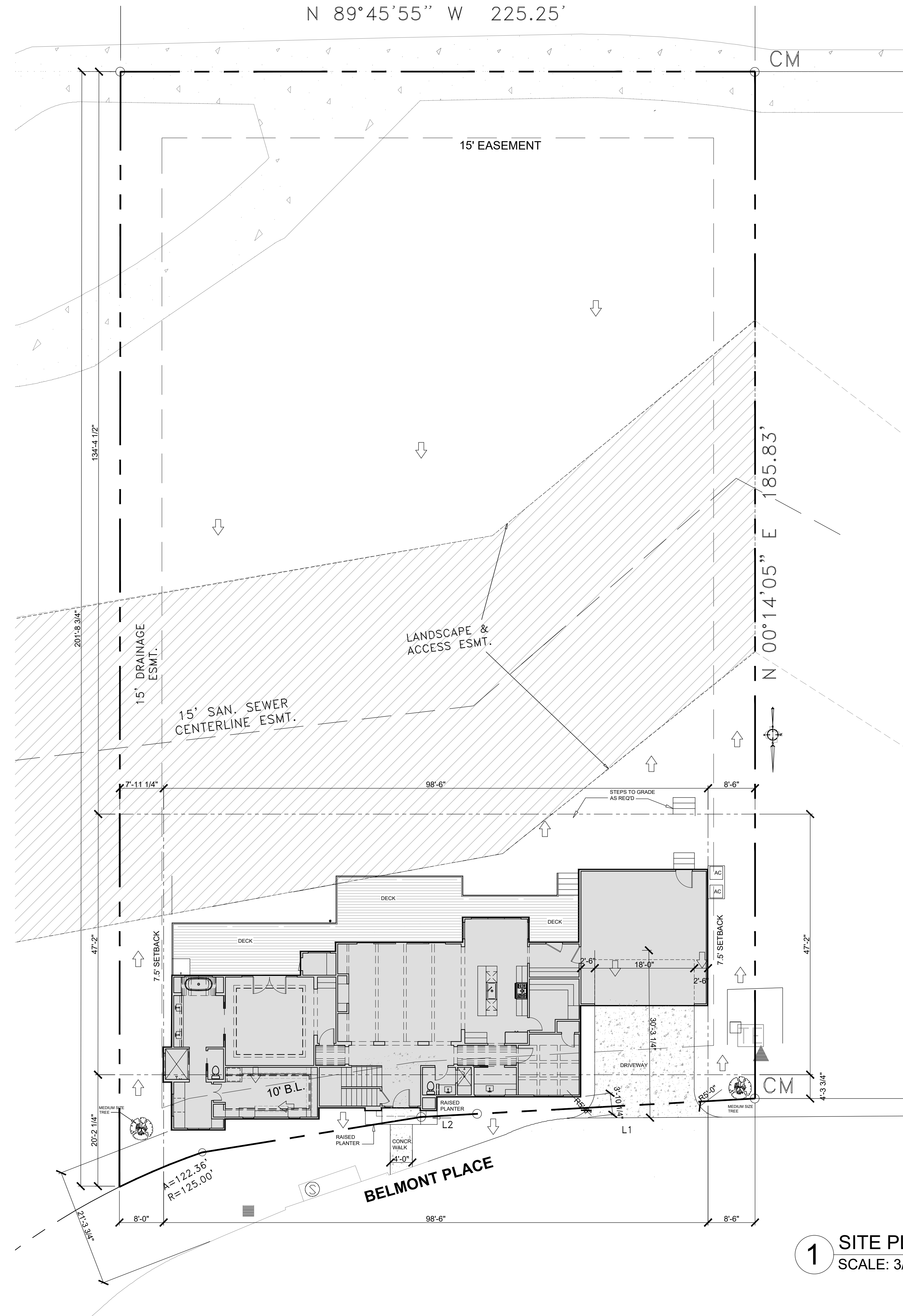
GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS AND ADJUST PLANS AS NECESSARY PRIOR TO CONSTRUCTION.
2. ANY CONFLICTS WITH NEW PLANS AND EXISTING LAYOUT SHALL BE DISCUSSED WITH OWNER PRIOR TO CONSTRUCTION.
3. ALL NEW CONSTRUCTION TO BE DONE IN ACCORDANCE WITH ALL CURRENT APPLICABLE BUILDING CODES

LOT SYMBOL LEGEND



LOT COVERAGE	
LOT SIZE	21,901 SQ.FT.
LOT COVERAGE 15%	3,433 SQ.FT.



GENERAL PROJECT NOTES

- 1.0 THESE CONSTRUCTION DOCUMENTS ARE INTENDED TO MEET ALL APPLICABLE CODES AND ORDINANCES. CONTRACTOR TO COMPLY WITH ALL LOCAL CODES, ORDINANCES AND DEED RESTRICTIONS. CONTRACTOR SHALL ALSO REQUIRE ALL SUBCONTRACTORS TO COMPLY WITH THESE REGULATIONS.
- 2.0 ANY DISCREPANCIES IN CONSTRUCTION DOCUMENTS OR NONCOMPLIANCE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO ANY WORK BEING PERFORMED OR MATERIALS BEING ORDERED.
- 3.0 BUILDER ACCEPTS FULL RESPONSIBILITY FOR CHECKING PLANS TO ASSURE CONFORMITY TO CURRENT LOCAL BUILDING CODES. SHOULD ANY CHANGES BE MADE TO THESE PLANS BY BUILDER OR HIS REPRESENTATIVES WITHOUT CONTACTING THE ARCHITECT, THE BUILDER WILL ACCEPT FULL LIABILITY FOR AMENDED PLANS.
- 4.0 ARCHITECTS ARE GOVERNED BY THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS, (512)456-1363.
- 5.0 WHILE THESE DRAWINGS ARE INTENDED TO SHOW SAME, THE ARCHITECT IS NOT RESPONSIBLE FOR GOVERNING AUTHORITY INTERPRETATIONS WHERE THOSE INTERPRETATIONS CONFLICT WITH THESE DRAWINGS & OR SPECS.
- 6.0 PORTIONS OF THIS WORK MAY NOT HAVE BEEN DRAWN BY A REGISTERED ARCHITECT.
- 7.0 THESE DRAWINGS/SPECS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT WHETHER THE PROJECT IS EXECUTED OR NOT. THESE DRAWINGS SHALL NOT BE USED BY THE CLIENT FOR OTHER PROJECTS. FOR ADDITIONS TO THIS PROJECT, OR FOR COMPLETION OF THIS PROJECT BY OTHERS WITHOUT PERMISSION OF THIS ARCHITECT.
- 8.0 THESE DOCUMENTS DO NOT SHOW TYPICAL DETAILING & OR WATERPROOFING.
- 9.0 THESE DOCUMENTS DO NOT SPECIFY ACTUAL PRODUCTS OR MATERIAL SELECTIONS. CONTRACTOR ACCEPTS FULL RESPONSIBILITY FOR APPROPRIATE AND PROPER DETAILING FOR AND BETWEEN ALL ACTUAL PRODUCTS/MATERIALS SELECTED WHEN INSTALLED.
- 10.0 ALL COMPONENTS, MATERIALS, ASSEMBLIES AND FINISHES TO BE CONSTRUCTED AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS, CODE REQUIREMENTS AND REGULATED BUILDING PRACTICES.
- 11.0 ARCHITECT IS NOT RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION WHICH ARE NOT DETAILED IN THESE CONSTRUCTION DOCUMENTS. CONTRACTOR WILL BE RESPONSIBLE FOR ALL ASPECTS OF CONSTRUCTION INCLUDING BUT NOT LIMITED TO ALL WATER AND DAMP PROOFING, LOAD CONNECTIONS AND MECHANIC, ELECTRICAL AND PLUMBING SYSTEMS.
- 12.0 ALL MATERIALS AND LABOR TO BE GUARANTEED FOR ONE YEAR FROM THE DATE OF FINAL PAYMENT. IN ADDITION TO ALL WARRANTIES THAT ARE STANDARD TO THE INDUSTRY, CONTRACTOR TO PROVIDE (SUPPLY AND INSTALL) ALL EQUIPMENT, LABOR SERVICES, AND MATERIALS REQUIRED FOR THE COMPLETE APPROVED INSTALLATION OF THE SYSTEMS CALLED FOR.
- 13.0 THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. THE CONTRACTOR IS RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS NECESSARY FOR COMPLETION OF WORK.
- 14.0 ALL DIMENSIONS TO BE VERIFIED IN THE FIELD. REPORT ANY AND ALL DISCREPANCIES, ERRORS OR OMISSIONS TO THE ARCHITECT PRIOR TO COMMENCING WORK AND/OR ORDERING MATERIALS. MINOR DEVIATIONS, SUBJECT TO CONSTRUCTION REQUIREMENTS AND FIELD CONDITIONS, CAN BE EXPECTED.
- 15.0 UNDER NO CIRCUMSTANCES SHALL ANY DIMENSION BE SCALED FROM THESE DRAWINGS. ANY CRUCIAL DIMENSION NOT GIVEN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
- 16.0 ALL DIMENSIONS SHOWN ON PLAN ARE TO THE STRUCTURAL FACE OF WALL AND DO NOT INCLUDE WALL FINISHES OR FURRING.
- 17.0 THE CONTRACTOR SHALL GIVE NOTICE TO ALL AUTHORIZED INSPECTORS, SUPERINTENDENTS OR PERSONS IN CHARGE OF UTILITIES AFFECTED BY HIS OPERATIONS PRIOR TO COMMENCING WORK.
- 18.0 THE CONTRACTOR IS TO FILE FOR, AND SECURE ALL APPROVALS, PERMITS, TESTS, INSPECTIONS AND CERTIFICATES OF COMPLIANCE AS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR ASSURING THAT ALL PERMITS NECESSARY TO LEGALLY PERFORM THE WORK HAVE BEEN OBTAINED PRIOR TO COMMENCING CONSTRUCTION.
- 19.0 VERIFY EXISTING CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION START.
- 20.0 IN CASE OF DISCREPANCIES OR CONFLICTS ON THE DRAWINGS AND SPECIFICATIONS, OR BETWEEN THE DRAWINGS AND THE EXISTING CONDITIONS, CONTACT THE ARCHITECT OR OWNER BEFORE PROCEEDING WITH THE WORK.
- 21.0 CONTRACTOR SHALL CLEAN UP CONSTRUCTION AREAS AFFECTED BY DAILY WORK AND MAINTAIN A CLEAN AND ORDERLY WORK AREA AT ALL TIMES. REMOVE MATERIALS TO APPROVED DUMP SITES ONLY.

1 SITE PLAN
SCALE: 3/32" = 1"-0"

Project Name and Address
New Home Build
6 Belmont
Lot 35A Block A
Thoroughbred Hills
Duncanville, TX
Dallas County

Home Owner

Date
 05-05-2026

Sheet
A1.0

PRINT 24 X 36

No. 978

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE OF ZONING FROM RESIDENTIAL-1 TO PLANNED DEVELOPMENT (SINGLE FAMILY AND TOWNHOUSES) ZONING CLASSIFICATION ON THE FOLLOWING DESCRIBED PROPERTY: TRACT "A": BEING THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN DALLAS COUNTY, TEXAS, AND BEING OUT OF THE E. SHARROCK SURVEY, ABSTRACT NO. 1300 AND BEING PART OF A 55 ACRE TRACT CONVEYED TO HENRY CARR ET AL, RECORDED IN VOLUME V, PAGE 268, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING KNOWN AS TRACTS I AND II CONVEYED TO CAPITAL CITIES COMMUNICATIONS, INC., BY DEED RECORDED IN VOLUME 76111, PAGE 1121, DEED RECORDS, DALLAS COUNTY, TEXAS, AND THAT CERTAIN TRACT CONVEYED TO CAPITAL CITIES COMMUNICATIONS, INC., BY DEED RECORDED IN VOLUME 76111, PAGE 1127, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER IN THE NORTHWEST LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE MOST EASTERLY CORNER OF LOT 1, BLOCK 47, IRWIN KEASLER DEVELOPMENT, RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF SAID BLOCK 47, 824.30 FEET TO AN IRON ROD FOR CORNER, SAID POINT BEING SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, 58.89 FEET FROM THE NORTHWEST CORNER OF LOT 8 IN SAID BLOCK 47; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF AFOREMENTIONED CAPITAL CITIES TRACT II; THENCE NORTH 00 DEGREE 14 MINUTES 09 SECONDS EAST, 827.36 FEET TO AN IRON ROD FOR CORNER, BEING THE SOUTHEAST CORNER OF SAID TRACT CONVEYED TO CAPITAL CITIES COMMUNICATIONS, INC., RECORDED IN VOLUME 76111, PAGE 1127, DEED RECORDS, DALLAS COUNTY, TEXAS; THENCE NORTH 89 DEGREES 30 MINUTES 12 SECONDS WEST, 356.27 FEET TO AN IRON ROD FOR CORNER, BEING THE SOUTHEAST CORNER OF A 60 FOOT BY 60 FOOT EASEMENT GRANTED TO SAM BATES, JR., BY CHESTIE

MIMS AND WIFE MARIE MIMS, BY EASEMENT DATED OCTOBER 4, 1954, RECORDED IN VOLUME 4122, PAGE 38, DEED RECORDS, DALLAS COUNTY, TEXAS; THENCE NORTH 00 DEGREE 14 MINUTES 09 SECONDS EAST, ALONG THE WEST LINE OF SAID EASEMENT, 60.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID EASEMENT; THENCE SOUTH 89 DEGREES 30 MINUTES 12 SECONDS EAST, 1310.87 FEET ALONG THE NORTH LINE OF E. SHARROCK SURVEY TO AN IRON ROD FOUND FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF AFOREMENTIONED CAPITAL CITIES I; THENCE SOUTH 00 DEGREE 10 MINUTES 39 SECONDS WEST, 747.84 FEET ALONG THE EAST LINE OF SAID CAPITAL CITIES TRACT I, 747.84 FEET TO AN IRON ROD FOR CORNER; BEING ON THE NORTHWESTERLY LINE OF RED BIRD LANE; THENCE SOUTH 44 DEGREES 44 MINUTES 30 SECONDS ALONG THE COMMON LINE OF SAID CAPITAL CITIES TRACT I AND RED BIRD LANE, 186.96 FEET TO THE PLACE OF BEGINNING AND CONTAINING 857,016 SQUARE FEET OR 19.6743 ACRES OF LAND; TRACT "B": BEING LOT 5 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, AND ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 5; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE AND SAID LOT 5, 100 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOTS 5 AND 6, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 100.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 4 AND 5, 160.00 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 15,999 SQUARE FEET OR 0.3672 ACRE OF LAND; TRACT "C": BEING LOT 6 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE MAP THEREOF

RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 6; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE AND SAID LOT 6, 50.00 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOT 6 AND 7, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 60.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 5 AND 6, 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9,599 SQUARE FEET OR 0.2203 ACRE OF LAND; TRACT "D": BEING LOT 7 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 7; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE, AND SAID LOT 7, 90 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOTS 7 AND 8, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 90.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 6 AND 7, 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 14,399 SQUARE FEET OR 0.3305 ACRE OF LAND; TRACT "E": BEING LOT 8 IN BLOCK 47 OF IRWIN KEASLER DEVELOPMENT RED BIRD ADDITION, UNIT NO. 6, AN ADDITION TO THE CITY OF DUNCANVILLE, TEXAS, ACCORDING TO THE MAP THEREOF

RECORDED IN VOLUME 19, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF RED BIRD LANE, (60 FOOT RIGHT-OF-WAY) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 8; THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, ALONG THE COMMON LINE OF RED BIRD LANE AND SAID LOT 8, 90 FEET TO AN IRON ROD FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 00 DEGREE 11 MINUTES 35 SECONDS WEST, ALONG THE COMMON LINE OF LOTS 8 AND 9, 160.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID BLOCK 47, 90.00 FEET TO AN IRON ROD FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00 DEGREE 11 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF LOTS 7 AND 8, 160.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 14,399 SQUARE FEET OR 0.3305 ACRE OF LAND; FURTHER DESCRIBED AS: BEING A 7.293 ACRE TRACT OF LAND SITUATED IN THE EVERARD SHARROCK SURVEY, ABSTRACT NO. 1300, DALLAS COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO STEVEN G. MAYS, TRUSTEE, STEVEN G. MAYS, NEAL W. MAYS AND PAUL F. MAYS AND RECORDED IN VOLUME 74003, PAGE 1983; VOLUME 74003, PAGE 1987; VOLUME 74003, PAGE 1991; VOLUME 74003, PAGE 1995; VOLUME 73252, PAGE 791; VOLUME 73252, PAGE 795; VOLUME 73252, PAGE 799 AND VOLUME 73252, PAGE 803, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON PIN, SET, BEING WEST 1970 FEET AND SOUTH 00 DEGREE 28 MINUTES EAST 1288.20 FEET OF THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RANCHERO LANE (A 60 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE CENTERLINE OF DUNCANVILLE ROAD, SAID IRON PIN BEING ON THE WESTERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO THE DUNCANVILLE INDEPENDENT SCHOOL DISTRICT AND RECORDED IN VOLUME 68020, PAGE 1282, SAID DEED RECORDS, SAID IRON PIN BEING ON THE COMMON CITY BOUNDARY LINE BETWEEN THE CITY OF DUNCANVILLE AND THE CITY OF DALLAS; THENCE SOUTH 00 DEGREE 28 MINUTES 00 SECOND EAST, 473.27 FEET ALONG SAID WESTERLY LINE TO A 5/8 INCH IRON

PIN, SET, FROM WHICH A 5/8 INCH IRON PIN BEARS NORTH 17 DEGREES 21 MINUTES 31 SECONDS WEST, 0.64 FEET, SAID SET IRON PIN ALSO BEING THE NORTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO FRANK J. EVANS, ET UX., AND RECORDED IN VOLUME 460, PAGE 498, SAID DEED RECORDS; THENCE WEST, 670.00 FEET ALONG THE NORTHERLY LINE OF SAID EVANS TRACT TO A 5/8 INCH IRON PIN, SET, FROM WHICH A 5/8 INCH IRON PIN BEARS NORTH 55 DEGREES 35 MINUTES 41 SECONDS WEST, 2.36 FEET, SAID SET 5/8 INCH IRON PIN BEING THE NORTHWESTERLY CORNER OF SAID EVANS TRACT ALSO BEING ON THE EASTERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED TO CAPITAL CITIES COMMUNICATIONS, INC., AND RECORDED IN VOLUME 76111, PAGE 1121, SAID DEED RECORDS; THENCE NORTH 00 DEGREE 28 MINUTES 00 SECOND WEST, 475.08 FEET ALONG SAID EASTERLY LINE TO A 5/8 INCH IRON PIN, SET, FROM WHICH A 5/8 INCH IRON PIN BEARS SOUTH 89 DEGREES 50 MINUTES 45 SECONDS EAST, 0.38 FEET AND A 1/2 INCH IRON PIN BEARS NORTH 87 DEGREES 20 MINUTES 30 SECONDS WEST, 0.53 FEET, SAID SET 5/8 INCH IRON PIN BEING THE NORTHEASTERLY CORNER OF SAID CAPITAL CITIES TRACT, ALSO BEING THE SOUTHEASTERLY CORNER OF BLOCK 1, MATTHIAS SUBDIVISION, RECORDED IN VOLUME 81139, PAGE 2583, SAID DEED RECORDS, SAID IRON PIN BEING ON THE AFOREMENTIONED CITY BOUNDARY LINE; THENCE SOUTH 89 DEGREES 50 MINUTES 45 SECONDS EAST, 670.02 FEET ALONG SAID CITY BOUNDARY LINE TO THE POINT OF BEGINNING AND CONTAINING 7.293 ACRES OF LAND, MORE OR LESS; APPROVING AND ATTACHING AS EXHIBIT "A" A COMPREHENSIVE SITE PLAN; PROVIDING SPECIAL CONDITIONS AND RESTRICTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City Plan Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with State laws with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Duncanville is of the opinion that said zoning change should be granted and the Comprehensive Zoning Ordinance should be amended; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE,
TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Duncanville be, and the same is hereby amended by amending the Zoning Map of the City of Duncanville so as to change the following described property from Residential-1 to Planned Development (Single Family and Townhomes) District Zoning Classification, to-wit:

TRACT "A"

BEING that certain tract or parcel of land situated in Dallas County, Texas, and being out of the E. Sharrock Survey, Abstract No. 1300 and being part of a 55 acre tract conveyed to Henry Carr, et al, recorded in Volume V, Page 268, Deed Records, Dallas County, Texas, and being known as Tracts I and II conveyed to Capital Cities Communications, Inc., by deed recorded in Volume 76111, Page 1121, Deed Records, Dallas County, Texas, and that certain tract conveyed to Capital Cities Communications, Inc., by deed recorded in Volume 76111, Page 1127, Deed Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner in the Northwest line of Red Bird Lane (60 foot right-of-way) said point being the most Easterly corner of Lot 1, Block 47, Irwin Keasler Development, Red Bird Addition, Unit No. 6, an addition to the City of Duncanville, Texas, according to the plat recorded in Volume 19, Page 259, Map Records, Dallas County, Texas;

THENCE North 89 degrees 53 minutes 30 seconds West, along the North line of said Block 47, 824.30 feet to an iron rod for corner, said point being South 89 degrees 53 minutes 30 seconds East, 58.89 feet from the Northwest corner of Lot 8 in said Block 47; said point also being the Southwest corner of aforementioned Capital Cities Tract II;

THENCE North 00 degree 14 minutes 09 seconds East, 827.36 feet to an iron rod for corner, being the Southeast corner of said tract conveyed to Capital Cities Communications, Inc., recorded in Volume 76111, Page 1127, Deed Records, Dallas County, Texas;

THENCE North 89 degrees 30 minutes 12 seconds West, 356.27 feet to an iron rod for corner, being the Southeast corner of a 60 foot by 60 foot easement granted to Sam Bates, Jr., by Chestie Mims and wife, Marie Mims, by easement dated October 4, 1954, recorded in Volume 4122, Page 38, Deed Records, Dallas County, Texas;

THENCE North 00 degree 14 minutes 09 seconds East, along the West line of said easement, 60.00 feet to an iron rod for corner at the Northeast corner of said easement;

THENCE South 89 degrees 30 minutes 12 seconds East, 1310.87 feet along the North line of E. Sharrock Survey to an iron rod found for corner, said point being the Northeast corner of aforementioned Capital Cities I;

THENCE South 00 degree 10 minutes 39 seconds West, 747.84 feet along the East line of said Capital Cities Tract I, 747.84 feet to an iron rod for corner; being on the Northwesterly line of Red Bird Lane;

THENCE South 44 degrees 44 minutes 30 seconds along the common line of said Capital Cities Tract I and Red Bird Lane, 186.96 feet to the PLACE OF BEGINNING and containing 857,016 square feet or 19.6743 acres of land.

TRACT "B"

BEING Lot 5 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, and according to the map thereof recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane (60 foot right-of-way) said point being the Southeast corner of Lot 5;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane and said Lot 5, 100 feet to an iron rod for corner at the Southwest corner of said lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lots 5 and 6, 160.00 feet to an iron rod for corner at the Northwest corner of said Lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 100.00 feet to an iron rod for corner at the Northeast corner of said Lot 5;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 4 and 5, 160.00 feet to the PLACE OF BEGINNING, and containing 15,999 square feet or 0.3672 acre of land.

TRACT "C"

BEING Lot 6 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, according to the map thereof recorded in Volume 19, Page 259, Map Recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane (60 foot right-of-way) said point being the Southeast corner of Lot 6;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane and said Lot 6, 60.00 feet to an iron rod for corner at the Southwest corner of said lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lot 6 and 7, 160.00 feet to an iron rod for corner at the Northwest corner of said Lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 60.00 feet to an iron rod for corner at the Northeast corner of said Lot 6;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 5 and 6, 160.00 feet to the PLACE OF BEGINNING and containing 9,599 square feet or 0.2203 acre of land.

TRACT "D"

BEING Lot 7 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, according to the map thereof recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane (60 foot right-of-way) said point being the Southeast corner of Lot 7;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane, and said Lot 7, 90 feet to an iron rod for corner at the Southeast corner of said Lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lots 7 and 8, 160.00 feet to an iron rod for corner at the Northwest corner of said Lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 90.00 feet to an iron rod for corner at the Northeast corner of said Lot 7;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 6 and 7, 160.00 feet to the PLACE OF BEGINNING and containing 14,399 square feet or 0.3305 acre of land.

TRACT "E"

BEING Lot 8 in Block 47 of Irwin Keasler Development Red Bird Addition, Unit No. 6, an Addition to the City of Duncanville, Texas, according to the map thereof recorded in Volume 19, Page 259, Map Records, Dallas County, Texas, and being described as follows:

BEGINNING at an iron rod for corner on the North line of Red Bird Lane, (60 foot right-of-way) said point being the Southeast corner of Lot 8;

THENCE North 89 degrees 53 minutes 30 seconds West, along the common line of Red Bird Lane and said Lot 8, 90 feet to an iron rod for corner at the Southwest corner of said Lot;

THENCE North 00 degree 11 minutes 35 seconds West, along the common line of Lots 8 and 9, 160.00 feet to an iron rod for corner at the Northwest corner of said lot;

THENCE South 89 degrees 53 minutes 30 seconds East, along the North line of said Block 47, 90.00 feet to an iron rod for corner at the Northeast corner of said Lot 8;

THENCE South 00 degree 11 minutes 35 seconds East, along the common line of Lots 7 and 8, 160.00 feet to the PLACE OF BEGINNING and containing 14,399 square feet or 0.3305 acre of land.

FURTHER DESCRIBED AS:

BEING a 7.293 acre tract of land situated in the Everard Sharrock Survey, Abstract No. 1300, Dallas County, Texas, also being a portion of that certain tract of land as described in deed to Steven G. Mays, Trustee, Steven G. Mays, Neal W. Mays and Paul F. Mays and recorded in Volume 74003, Page 1983; Volume 74003, Page 1987; Volume 74003, Page 1991; Volume 74003, Page 1995; Volume 73252, Page 791; Volume 73252, Page 795; Volume 73252, Page 799 and Volume 73252, Page 803, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron pin, set, being West 1970 feet and south 00 degree 28 minutes East 1288.20 feet of the intersection of the easterly prolongation of the southerly right-of-way line of Ranchero Lane (a 60 foot wide public right-of-way) with the centerline of Duncanville Road, said iron pin being on the westerly line of that certain tract of land as described in deed to the Duncanville Independent School District and recorded in Volume 68020, Page 1282, said Deed Records, said iron pin being on the common City boundary line between the City of Duncanville and the City of Dallas;

Records, said iron pin being on the common City boundary line between the City of Duncanville and the City of Dallas;

THENCE South 00 degree 28 minutes 00 second East, 473.27 feet along said westerly line to a 5/8 inch iron pin, from which a 5/8 inch iron pin bears North 17 degrees 21 minutes 31 seconds West, 0.64 feet, said set iron pin also being the northeasterly corner of that certain tract of land as described in deed to Frank J. Evans, et ux., and recorded in Volume 460, Page 498, said Deed Records;

THENCE West, 670.00 feet along the northerly line of said Evans tract to a 5/8 inch iron pin, set, from which a 5/8 inch iron pin bears North 55 degrees 35 minutes 41 seconds West, 2.36 feet, said set 5/8 inch iron pin being the northwesterly corner of said Evans tract also being on the easterly line of that certain tract of land as described in deed to Capital Cities Communications, Inc., and recorded in Volume 76111, Page 1121, said Deed Records;

THENCE North 00 degree 28 minutes 00 second West, 475.08 feet along said easterly line to a 5/8 inch iron pin, set, from which a 5/8 inch iron pin bears South 89 degrees 50 minutes 45 seconds East, 0.38 feet and a 1/2 inch iron pin bears North 87 degrees 20 minutes 30 seconds West, 0.53 feet, said set 5/8 inch iron pin being the northeasterly corner of said Capital Cities tract, also being the southeasterly corner of Block 1, Matthias Subdivision, recorded in Volume 81139, Page 2583, said Deed Records, said iron pin being on the aforementioned City boundary line;

THENCE South 89 degrees 50 minutes 45 seconds East, 670.02 feet along said City boundary line to the POINT OF BEGINNING and containing 7.293 acres of land, more or less.

SECTION 2. That the areas within said Planned Development District may be used as shown on Exhibit "A" attached hereto and made a part hereof for all purposes, and known as the site plan for Thoroughbred Hills. That the various areas of said development may be used as shown on said site plan, Lots TH-1 through TH-15 for townhomes, and Lots 1-38 for single family uses only.

SECTION 3. That the above zoning classifications is granted subject to the following special conditions and restrictions:

- (1) That the development include two means of ingress and egress, being the Statler exit and an emergency fire exit between Lots 30 and 31.
- (2) That the north-northwestern point of the development be dedicated as a roadway easement to provide access to Mona Lane if needed in the future.
- (3) That fifty feet along the northern boundary be set aside as a rear building line to provide for a possible future extension of Red Bird Lane by the City of Dallas.
- (4) That a roadway easement be provided between Lots 19 and 20 for northern access to a possible Red Bird Lane extension.

(5) That funds be placed in escrow by the developer to be held for at least five years after the date of the issuance of the first residential building permit in the development to be used for construction of streets on above-mentioned roadway easements if warranted.

(6) That traffic during the construction phase of the development be routed as best determined by the City Engineer.

(7) Except as otherwise provided herein or in the approved Site Plan, the area and use regulations of the "R-1" Single Family Dwelling District Classification shall apply to building construction and use within the area of this Planned Development District.

(8) No building shall exceed three (3) stories in height.

(9) Townhouse Lots, TH-1 through TH-15 shall require no front yard set backs except landscape easement shown on the Site Plan.

(10) Townhouse Lots, TH-1 through TH-15 shall have "zero-lot-line side yard" set backs as follows: a "zero-lot-line side yard" or building line shall mean a side building line that is situated on or within three (3) feet of the east side property line only; except, Lot TH-1 may use either side building line as a "zero-lot-line side yard" or building line.

(11) The area of dwelling on the single-family lots shall have a minimum of two thousand (2,000) square feet in area.

(12) The area of dwelling on the townhouse lots TH-1 through TH-15 shall have a minimum of one thousand five hundred (1,500) square feet in area.

(13) Alleys are required only as shown on the Site Plan. Pedestrian walkways are to be "Nature Trails" along landscape and access easements as shown on the Site Plan. Concrete walkways at the streets shall be omitted.

(14) The building lines are established by the Site Plan.

SECTION 4. That all conditions and restrictions imposed in this ordinance, relative to the development of this Planned Development District, shall be complied with before a Certificate of Occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to the approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

SECTION 5. Should any of the sections, paragraphs, sentences, clauses, or phrases of this ordinance be held or determined to be invalid or unconstitutional by a court of competent jurisdiction, such holding or determination shall not affect the remaining portions of this ordinance which are declared to be severable.

SECTION 6. That all ordinances of the City of Duncanville in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That the hereinafter described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this zoning change.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 15 day of October, 1984.

APPROVED:


MAYOR

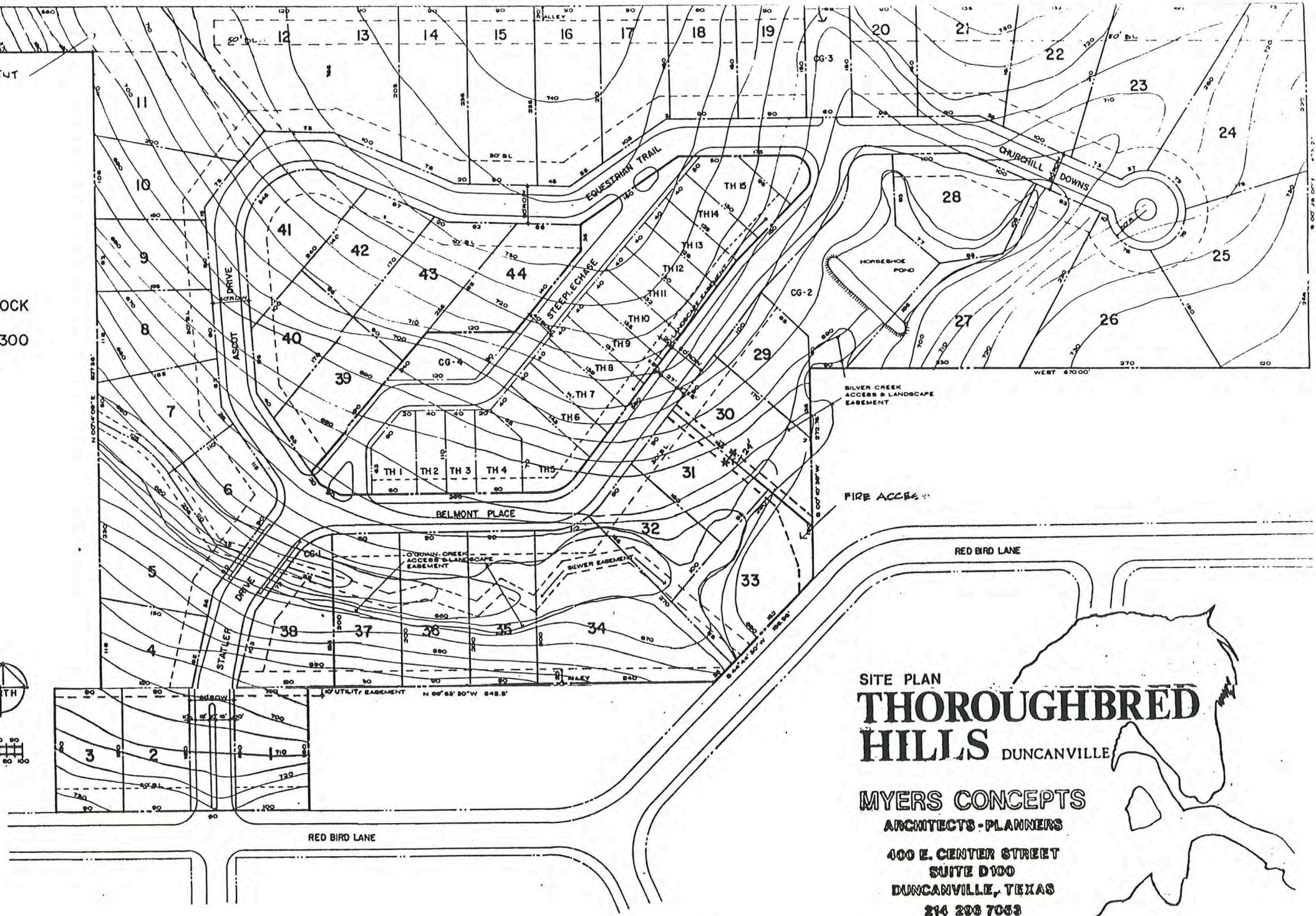
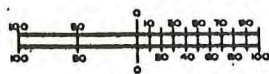
DULY RECORDED:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

EVERARD SHARROCK
SURVEY
ABSTRACT - 1300



SITE PLAN
**THOROUGHbred
HILLS** DUNCANVILLE

MYERS CONCEPTS
ARCHITECTS-PLANNERS
400 E. CENTER STREET
SUITE D100
DUNCANVILLE, TEXAS
214 296 7053

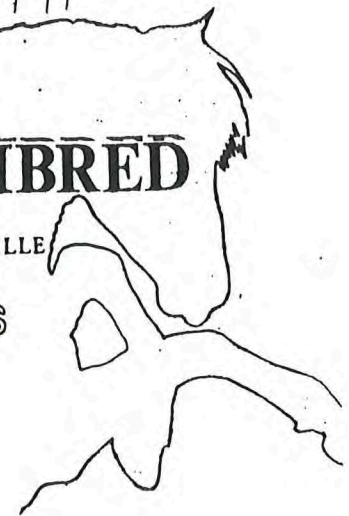


EXHIBIT B

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE OF ZONING FROM RESIDENTIAL-1 TO PLANNED DEVELOPMENT (SINGLE FAMILY) DISTRICT ZONING CLASSIFICATION ON THE FOLLOWING DESCRIBED PROPERTY: BEING A 4.565 ACRE TRACT OF LAND SITUATED IN THE CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS, AND OUT OF THE E. SHARROCK SURVEY, ABSTRACT NUMBER 1300, ALSO BEING THE TRACT OF LAND CONVEYED TO JOE C. BOSTON BY DEED RECORDED IN VOLUME 179, PAGE 1962 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, TOGETHER WITH THE TRACT OF LAND CONVEYED TO JOE C. BOSTON RECORDED IN VOLUME 71119, PAGE 2227 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, SAID 4.565 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY LINE OF RED BIRD LANE (A 60 FOOT RIGHT-OF-WAY) FOR THE SOUTHWEST CORNER OF LOT 13, BLOCK 47 OF UNIT #6 RED BIRD ADDITION, AN ADDITION TO THE CITY OF DUNCANVILLE RECORDED BY PLAT IN VOLUME 19, PAGE 259 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, (SAID LOT 13 BEING THE SAME TRACT OF LAND CONVEYED TO JOE C. BOSTON IN VOLUME 71119, PAGE 2227); THENCE WITH THE WESTERLY LINE OF SAID LOT 13 NORTH 14°38'04" EAST A DISTANCE OF 165.07 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER; THENCE WITH THE EAST LINE OF BLOCK 47 NORTH 00°06'30" EAST A DISTANCE OF 383.39 FEET TO A 1/2 INCH IRON ROD IN CONCRETE FOUND FOR CORNER; THENCE SOUTH 89°25'37" EAST A DISTANCE OF 480.47 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER; THENCE SOUTH 00°45'20" EAST A DISTANCE OF 380.31 FEET TO A 3/8 INCH IRON ROD FOUND FOR CORNER IN THE NORTH LINE OF SAID BLOCK 47; THENCE WITH THE NORTH LINE OF BLOCK 47 NORTH 89°48'03" WEST, AT 58.87 FEET PASSING A 3/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 8, BLOCK 47, AT 327.27 FEET PASSING A 3/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 11, BLOCK 47, IN ALL A DISTANCE OF 416.79 FEET TO A 1/2 INCH IRON ROD SET FOR THE NORTHEAST CORNER OF LOT 13; THENCE WITH THE EAST LINE OF LOT 13 SOUTH 00°23'47"

WEST A DISTANCE OF 159.69 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF RED BIRD LANE; THENCE WITH THE NORTH RIGHT-OF-WAY LINE OF RED BIRD LANE NORTH 89°53'30" WEST A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 4.565 ACRES OF LAND; APPROVING AND ATTACHING AS EXHIBIT "A" A COMPREHENSIVE SITE PLAN OF THE ABOVE-DESCRIBED PROPERTY AND THE BALANCE OF THE THOROUGHbred HILLS DEVELOPMENT AS DESCRIBED IN ORDINANCE NO. 978; PROVIDING SPECIAL CONDITIONS AND RESTRICTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City Plan Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with State laws with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Duncanville is of the opinion that said zoning change should be granted and the Comprehensive Zoning Ordinance should be amended; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Duncanville be, and the same is hereby, amended by amending the Zoning Map of the City of Duncanville so as to change the following described property from Residential-1 to Planned Development (Single Family) District zoning classification, to-wit:

BEING a 4.565 acre tract of land situated in the City of Duncanville, Dallas County, Texas, and out of the E. Sharrock Survey, Abstract Number 1300, also being the tract of land conveyed to Joe C. Boston by deed recorded in Volume 179, Page 1962 of the Deed Records of Dallas County, Texas, together with the tract of land conveyed to Joe C. Boston recorded in Volume 71119, Page 2227 of the Deed Records of Dallas County, Texas, said 4.565 acre tract of land being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found in the north right-of-way line of Red Bird Lane (a 60 foot right-of-way) for the southwest corner of Lot 13, Block 47 of Unit #6 Red Bird Addition, an addition to the City of Duncanville recorded by plat in Volume 19, Page 259 of the Deed Records of Dallas County, Texas, (said Lot 13 being the same tract of land conveyed to Joe C. Boston in Volume 71119, Page 2227);

THENCE with the westerly line of said Lot 13 North 14°38'04" East a distance of 165.07 feet to a 1/2 inch iron rod set for corner;

THENCE with the east line of Block 47 North 00°06'30" East a distance of 383.39 feet to a 1/2 inch iron rod in concrete found for corner;

THENCE South 89°25'37" East a distance of 480.47 feet to a 1/2 inch iron rod found for corner;

THENCE South 00°45'20" East a distance of 380.31 feet to a 3/8 inch iron rod found for corner in the north line of said Block 47;

THENCE with the north line of Block 47 North 89°48'03" West, at 58.87 feet passing a 3/8 inch iron rod found for the northwest corner of Lot 8, Block 47, at 327.27 feet passing a 3/8 inch iron rod found for the northwest corner of Lot 11, Block 47, in all a distance of 416.79 feet to a 1/2 inch iron rod set for the northeast corner of Lot 13;

THENCE with the east line of Lot 13 South 00°23'47" West a distance of 159.69 feet to a 1/2 inch iron rod set for corner in the north right-of-way line of Red Bird Lane;

THENCE with the north right-of-way line of Red Bird Lane North 89°53'30" West a distance of 110.00 feet to the POINT OF BEGINNING;

CONTAINING an area of 4.565 acres of land.

SECTION 2. That the areas within said Planned Development District may be used as shown on Exhibit "A" attached hereto and made a part hereof for all purposes, and known as the site plan for Thoroughbred Hills. That the above-described property is an addition to the Thoroughbred Hills Development and the Planned Development District granted by Ordinance No. 978 of the City of Duncanville in October, 1984. That the above-described property may be used as shown on said site plan for single family uses only.

SECTION 3. That the above zoning classification is granted subject to the special conditions and restrictions set out in Section 3. of Ordinance 978 insofar as they apply to single family uses and, further, subject to the provisions of Exhibit "A".

SECTION 4. That all conditions and restrictions imposed in this ordinance and by reference herein to Ordinance 978, as well as by the site plan attached hereto as Exhibit "A" relative to the development of this Planned Development District, shall be complied with before a certificate of occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to the approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

SECTION 5. Should any of the sections, paragraphs, sentences, clauses, or phrases of this ordinance, be held or determined to be invalid or unconstitutional by a court of competent jurisdiction, such holding or determination shall not affect the remaining portions of this ordinance which are declared to be severable.

SECTION 6. That all ordinances of the City of Duncanville in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That the above-described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville as amended hereby.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred (\$200.00) Dollars for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 26th day of January, 1986.

APPROVED:

[Signature]
MAYOR

DULY RECORDED:

[Signature]
CITY SECRETARY

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

ORDINANCE NO. 1291

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT DISTRICT ZONING SO AS TO PROVIDE FOR ONLY SINGLE FAMILY USE IN THE PLANNED DEVELOPMENT DISTRICT AS HERETOFORE ZONED BY ORDINANCE NO. 978 AND ORDINANCE NO. 1052 SO AS TO RESTRICT THE PLANNED DEVELOPMENT DISTRICT TO SINGLE FAMILY USES, SUBJECT TO SPECIAL CONDITIONS, ON PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; APPROVING AND ATTACHING AS EXHIBIT "B" A REVISED COMPREHENSIVE SITE PLAN; PROVIDING SPECIAL CONDITIONS AND RESTRICTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City Planning Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with State laws with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and all persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Duncanville is of the opinion that said zoning changes should be granted, and the Comprehensive Zoning Ordinance should be amended; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Duncanville be, and the same is hereby, amended by amending the Zoning Map of the City of Duncanville, so as to change the following described property from Planned Development District (Single Family and Town Homes District) to Planned Development District (Single Family Homes Only) Zoning District classifications on the property described in Exhibit "A", attached hereto and made a part hereof for all purposes.

SECTION 2. That the areas within said Planned Development District may be used as shown on Exhibit "B" attached hereto and made a part hereof for all purposes, and known as the Revised Site Plan for Thoroughbred Hills. That the various areas of said development may be used as shown on said site plan for Single Family Uses only.

SECTION 3. That the above Planned Development District Zoning classification for Single Family Uses is granted subject to the following special conditions and restrictions:

1. That the Development include two means of ingress and egress, being the Statler exit and an emergency fire exit between lots 32A and 32A, and Lots

33A and Common Ground No. 5.

2. That the North-Northwestern point of the development be dedicated as a roadway easement to provide access to Mona Lane if needed in the future.
3. That fifty (50) feet along the northern boundary be set aside as a rear building line to provide for a possible future extension of Redbird Lane by the City of Dallas.
4. That a roadway easement be provided between Lots 20 and 21 for northern access to a possible Redbird Lane extension.
5. That traffic during the construction phase of the Development be routed as best determined by the City Engineer.
6. Except as otherwise provided herein or in the approved Revised Site Plan, the area and use regulations of the "R-1" Single Family Dwelling District classification shall apply to building construction and use within the area of this Planned Development District.
7. No building shall exceed three (3) stories in height.
8. The area of dwellings on the single family lots shall have a minimum of two thousand (2,000) square feet in area.
9. Alleys are required as shown on the Site Plan. Pedestrian walkways are to be "Nature Trails" along landscaped and access easements as shown on the revised Site Plan. Concrete walkways at the street shall be omitted.
10. The building lines are established by the revised Site Plan (Exhibit "B").

SECTION 4. That all conditions and restrictions imposed in this ordinance, relative to the development of this Planned Development District, shall be complied with before a Certificate of Occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

SECTION 5. That should any sentence, paragraph, 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 provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That all provisions of the ordinances of the City of Duncanville

in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Duncanville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That the hereinafter described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this zoning change.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Duncanville, Texas on the 17th day of February, 1992.


APPROVED:


MAYOR

DULY RECORDED:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

(HLN/jd 2-10-92)

EXHIBIT "A"

BEING a 32.4495 acre tract of land situated in the Everard Sharrock Survey, Abstract No. 1300 in the City of Duncanville, Dallas County, Texas.

COMMENCING at the intersection of the centerlines of Red Bird Lane (60' R.O.W.) and Statler Drive (60' R.O.W.);

THENCE, N 89° 45'55" W, 210.00 feet along the centerline of Red Bird Lane;

THENCE, N 00° 04'00" W, 30.00 feet to an iron rod, the POINT OF BEGINNING;

THENCE, N 00° 04'00" W, 160 feet to an iron rod for a corner;

THENCE, N 89° 48'03" W, 427.30 feet to an iron rod for a corner;

THENCE, N 00° 06'30" E, 383.39 feet to an iron rod for a corner;

THENCE, S 89° 26'03" E, 486.78 feet to an iron rod for a corner;

THENCE, N 00° 11'44" E, 445.01 feet to an iron rod for a corner;

THENCE, N 89° 26'21" W, 351.24 feet to an iron rod for a corner;

THENCE, N 00° 11'53" E, 60.00 feet to an iron rod for a corner;

THENCE, S 89° 26'21" E, 1976.76 feet to an iron rod for a corner, along the common City Boundary Line between the City of Duncanville and the City of Dallas;

THENCE, S 00° 02'44" W, 473.21 feet leaving said line to an iron rod for a corner;

THENCE, N 89° 29'16" W, 670.47 feet to an iron rod for a corner;

THENCE, S 00° 18'17" W, 273.06 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, S 44° 52'00" W, 186.96 feet along said R.O.W. line to an iron rod for a corner;

THENCE, N 89° 45'55" W, 543.19 feet, leaving said R.O.W. line to an iron rod for a corner;

THENCE, S 00° 04'00" E, 160.00 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, N 89° 45'55" W, 340.00 feet along said line to the POINT OF BEGINNING and containing 1,413,501 square feet or 32.4495 acres of land.

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO AMEND THE SPECIAL CONDITIONS FOR THE PLANNED DEVELOPMENT DISTRICT FOR THOROUGHbred HILLS TO REQUIRE A MINIMUM AREA FOR DWELLINGS ON SINGLE FAMILY LOTS OF 3,000 SQUARE FEET, SAID PLANNED DEVELOPMENT HERETOFORE ESTABLISHED BY ORDINANCE 978 AND ORDINANCE NO. 1052 AND AMENDED BY ORDINANCE NO. 1291, ON PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Duncanville and the governing body of the City of Duncanville, in compliance with state laws with reference to the granting of zoning classifications and changes, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Duncanville is of the opinion that said zoning changes should be granted, and the Comprehensive Zoning Ordinance should be amended; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE,

TEXAS:

SECTION 1. That the special conditions for the Planned Development District for Thoroughbred Hills be, and the same are hereby, amended in part by amending Section 3, paragraph 8, of Ordinance No. 1291, to read as follows:

8. The area of dwellings on the single family lots shall be a minimum of three thousand (3,000) square feet.

SECTION 2. That all other conditions and restrictions imposed in Ordinance 1291, relative to the development of this Planned Development District, shall be complied with before a

Certificate of Occupancy is issued for the portion of the land being developed or any structure which is a part of this Planned Development District, and such conditions and restrictions shall not be construed as conditions precedent to approval of the zoning granted herein, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

SECTION 3. That should any sentence, paragraph, 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 provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. That all provisions of the ordinances of the City of Duncanville in conflict with provisions of this ordinance be, and same are hereby repealed, and all other provisions of this ordinance shall remain in full force and effect.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor, and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by 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 constitute a separate offense.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY ADOPTED by the City Council of the City of Duncanville, Texas on the

18th day of January, 2000.

APPROVED:

Glenn A. Repp
MAYOR

DULY RECORDED:

James F. Fritch
CITY SECRETARY

APPROVED AS TO FORM:

Robert D. Williams

CITY ATTORNEY

(RLD, 1-11-00)

EXHIBIT "A"

BEING a 32.4495 acre tract of land situated in the Everard Sharrock Survey, Abstract No. 1300 in the City of Duncanville, Dallas County, Texas.

COMMENCING at the intersection of the centerlines of Red Bird Lane (60' R.O.W.) and Statler Drive (60' R.O.W.);

THENCE, N 89° 45'55" W, 210.00 feet along the centerline of Red Bird Lane;

THENCE, N 00° 04'00" W, 30.00 feet to an iron rod, the POINT OF BEGINNING;

THENCE, N 00° 04'00" W, 160 feet to an iron rod for a corner;

THENCE, N 89° 48'03" W, 427.30 feet to an iron rod for a corner;

THENCE, N 00° 06'30" E, 383.39 feet to an iron rod for a corner;

THENCE, S 89° 26'03" E, 486.78 feet to an iron rod for a corner;

THENCE, N 00° 11'44" E, 445.01 feet to an iron rod for a corner;

THENCE, N 89° 26'21" W, 351.24 feet to an iron rod for a corner;

THENCE, N 00° 11'53" E, 60.00 feet to an iron rod for a corner;

THENCE, S 89° 26'21" E, 1976.76 feet to an iron rod for a corner, along the common City Boundary Line between the City of Duncanville and the City of Dallas;

THENCE, S 00° 02'44" W, 473.21 feet leaving said line to an iron rod for a corner;

THENCE, N 89° 29'16" W, 670.47 feet to an iron rod for a corner;

THENCE, S 00° 18'17" W, 273.06 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, S 44° 52'00" W, 186.96 feet along said R.O.W. line to an iron rod for a corner;

THENCE, N 89° 45'55" W, 543.19 feet, leaving said R.O.W. line to an iron rod for a corner;

THENCE, S 00° 04'00" E, 160.00 feet to an iron rod in the north R.O.W. line of Red Bird Lane;

THENCE, N 89° 45'55" W, 340.00 feet along said line to the POINT OF BEGINNING and containing 1,413,501 square feet or 32.4495 acres of land.

EXHIBIT "A"