

ORDINANCE NO. 553

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120, DULY PASSED BY THE CITY COUNCIL ON MAY 3, 1955, AND AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "R" RESIDENTIAL CLASSIFICATION TO "A-1" APARTMENT CLASSIFICATION UNDER A SPECIAL PERMIT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT NO. 1: BEING A TRACT OF LAND SITUATED IN THE T. THOMAS SURVEY, ABSTRACT NO. 1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF THE C. C. OATES 393.66 ACRE ORIGINAL TRACT AS RECORDED IN VOLUME 666, PAGE 336, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF U. S. HIGHWAY 67, SAID POINT BEING 190 FEET FROM THE CENTERLINE OF SAID HIGHWAY, MEASURED AT RIGHT ANGLES; SAID POINT ALSO BEING THE EAST CORNER OF TWIN HILLS ESTATES ADDITION, SAID POINT ALSO BEING THE PRESENT SOUTH CORNER OF THE SAID C. C. OATES TRACT, A POINT FOR CORNER; THENCE NORTH 55 DEGREES 08 MINUTES WEST WITH THE NORTHEASTERLY LINE OF SAID TWIN HILLS ESTATES ADDITION AND WITH THE SOUTH-WESTERLY LINE OF SAID C. C. OATES TRACT, 1327.93 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID OATES TRACT; THENCE NORTH 44 DEGREES 50 MINUTES EAST WITH THE NORTHWESTERLY LINE OF SAID OATES TRACT, 503.30 FEET TO A POINT ON THE SOUTHERLY LINE OF A DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY; THENCE SOUTH 62 DEGREES 39 MINUTES EAST WITH THE SOUTHERLY LINE OF SAID DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY, 1525.09 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE AFOREMENTIONED U. S. HIGHWAY 67; SAID POINT BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 11,773.93 FEET AND A CENTRAL ANGLE OF 1 DEGREE 47 MINUTES 28 SECONDS; THENCE IN A SOUTHWESTERLY DIRECTION WITH THE NORTHWESTERLY LINE OF U. S. HIGHWAY 67 AND AROUND SAID CURVE, 368.06 FEET TO THE END OF SAID CURVE, A POINT FOR CORNER; THENCE SOUTH 56 DEGREES 21 MINUTES WEST AND CONTINUING ALONG THE NORTHWESTERLY LINE OF U. S. HIGHWAY 67, 378.37 FEET TO THE PLACE OF BEGINNING AND CONTAINING 19.01 ACRES OF LAND. TRACT NO. 2-A: BEING A TRACT OF LAND SITUATED IN THE T. THOMAS SURVEY, ABSTRACT NO. 1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF THE C. C. OATES 393.66 ACRE ORIGINAL TRACT AS RECORDED IN VOLUME 666, PAGE 336, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID OATES TRACT, SAID POINT BEING ON THE NORTHERLY LINE OF A TRACT OF LAND CONVEYED TO THE DALLAS POWER & LIGHT COMPANY AS RECORDED IN VOLUME 5458, PAGE 216, DALLAS COUNTY DEED RECORDS; THENCE EAST 44 DEGREES 50 MINUTES EAST WITH THE NORTHWESTERLY LINE OF SAID OATES PROPERTY, 553.35 FEET TO A POINT FOR CORNER;

THENCE NORTH 45 DEGREES 06 MINUTES EAST, 113.52 FEET TO A POINT ON THE SOUTHERLY LINE OF A 105.19 ACRE TRACT OWNED BY THE CITY OF MESQUITE; THENCE NORTH 87 DEGREES 49 MINUTES EAST WITH THE SOUTHERLY LINE OF SAID CITY OF MESQUITE TRACT, 961.86 FEET TO A POINT FOR CORNER; THENCE SOUTH 18 DEGREES 13 MINUTES WEST, 1124.62 FEET TO A POINT ON THE NORTHERLY LINE OF THE AFOREMENTIONED DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY; THENCE NORTH 62 DEGREES 39 MINUTES WEST WITH THE NORTHERLY LINE OF SAID DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY, 1216.02 FEET TO THE PLACE OF BEGINNING AND CONTAINING 20.51 ACRES OF LAND; AND SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "R" RESIDENTIAL CLASSIFICATION TO "C" COMMERCIAL CLASSIFICATION UNDER A SPECIAL PERMIT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT 2-B: BEING A TRACT OF LAND SITUATED IN THE T. THOMAS SURVEY, ABSTRACT NO. 1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF THE C. C. OATES 393.66 ACRE ORIGINAL TRACT AS RECORDED IN VOLUME 666, PAGE 336, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF U. S. HIGHWAY 67, SAID POINT BEING 190 FEET FROM THE CENTERLINE OF SAID HIGHWAY, MEASURED AT RIGHT ANGLES; SAID POINT ALSO BEING THE SOUTH CORNER OF A 105.19 ACRE TRACT CONVEYED TO THE CITY OF MESQUITE BY C. C. OATES, A POINT FOR CORNER; SAID POINT BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 11,773.93 FEET AND A CENTRAL ANGLE OF 6 DEGREES 06 MINUTES 17 SECONDS; THENCE IN A SOUTHWESTERLY DIRECTION WITH THE NORTHERLY LINE OF SAID U. S. HIGHWAY 67 AND AROUND SAID CURVE, 1254.48 FEET TO A POINT ON THE NORTHERLY LINE OF A DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY, A POINT FOR CORNER; THENCE NORTH 62 DEGREES 39 MINUTES WEST WITH THE NORTHERLY LINE OF SAID DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY, 340.0 FEET TO A POINT FOR CORNER; THENCE NORTH 18 DEGREES 13 MINUTES EAST, 1124.62 FEET TO A POINT ON THE SOUTHERLY LINE OF A 105.19 ACRE TRACT OWNED BY THE CITY OF MESQUITE; THENCE NORTH 87 DEGREES 49 MINUTES EAST WITH THE SOUTHERLY LINE OF SAID CITY OF MESQUITE TRACT, 250.0 FEET TO A POINT FOR CORNER; THENCE NORTH 80 DEGREES 15 MINUTES EAST AND CONTINUING ALONG THE CITY OF MESQUITE TRACT, 463.86 FEET TO A POINT FOR CORNER; THENCE SOUTH 25 DEGREES 45 MINUTES EAST, 773.62 FEET TO THE PLACE OF BEGINNING AND CONTAINING 24.82 ACRES OF LAND; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO PLANS AND SPECIFICATIONS SUBMITTED THEREFOR WHICH SHALL BE APPROVED BY THE PLANNING AND INSPECTION DEPARTMENT; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan Commission of the City of Mesquite and the Governing Body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State Laws with reference to the granting of special permits under the zoning ordinance regulations and Zoning Map, 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 the persons interested and situated in the area, the City of Mesquite is of the opinion that the said special permits should be granted herein, subject to the conditions set out herein.

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

SECTION 1. That Ordinance No. 120 of the City of Mesquite, Texas, duly passed by the Governing Body of the City of Mesquite on the 3rd day of May, 1955, be, and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to give the following described property an "A-1" Apartment Classification under a special permit, described as follows:

Tract No. 1

BEING a tract of land situated in the T. Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being out of the C. C. Oates 393.66 acre original tract as recorded in Volume 666, page 336, Dallas County Deed Records and being more particularly described as follows:

BEGINNING at a point on the northwesterly line of U. S. Highway 67, said point being 190' from the centerline of said Highway, measured at right angles; said point also being the east corner of Twin Hills Estates Addition, said point also being the present south corner of the said C. C. Oates tract, a point for corner;

THENCE N. 55° 08' W. with the northeasterly line of said Twin Hills Estates Addition and with the southwesterly line of said C. C. Oates tract, 1327.93' to a point on the northwesterly line of said Oates tract;

THENCE N. 44° 50' E. with the northwesterly line of said Oates tract, 503.30' to a point on the southerly line of a Dallas Power & Light Company Right-of-Way;

THENCE S. 62° 39' E. with the southerly line of said Dallas Power & Light Company Right-of-Way, 1525.09' to a point on the northwesterly line of the aforementioned

U. S. Highway 67; said point being on a curve to the left having a radius of 11,773.93' and a central angle of $1^{\circ} 47' 28''$;

THENCE in a southwesterly direction with the northwesterly line of U. S. Highway 67 and around said curve, 368.06' to the end of said curve, a point for corner;

THENCE S. $56^{\circ} 21'$ W. and continuing along the northwesterly line of U. S. Highway 67, 378.37' to the place of beginning and containing 19.01 acres of land.

Tract No. 2-A

BEING a tract of land situated in the T. Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being out of the C. C. Oates 393.66 acre original tract as recorded in Volume 666, page 336, Dallas County Deed Records and being more particularly described as follows:

BEGINNING at a point on the northwesterly line of said Oates tract, said point being on the northerly line of a tract of land conveyed to the Dallas Power & Light Company as recorded in Volume 5458, page 216, Dallas County Deed Records;

THENCE N. $44^{\circ} 50'$ E. with the northwesterly line of said Oates property, 553.35' to a point for corner;

THENCE N. $45^{\circ} 06'$ E., 113.52' to a point on the southerly line of a 105.19 acre tract owned by the City of Mesquite;

THENCE N. $87^{\circ} 49'$ E. with the southerly line of said City of Mesquite tract, 961.86' to a point for corner;

THENCE S. $18^{\circ} 13'$ W., 1124.62' to a point on the northerly line of the aforementioned Dallas Power & Light Company Right-of-Way;

THENCE N. $62^{\circ} 39'$ W. with the northerly line of said Dallas Power & Light Company Right-of-Way, 1216.02' to the place of beginning and containing 20.51 acres of land.

SECTION 2. That Ordinance No. 120 of the City of Mesquite, Texas, duly passed by the Governing Body of the City of Mesquite

on the 3rd day of May, 1955, be, and the same is hereby amended by amending the Zoning Map of the City of Mesquite, so as to give the following described property a "C" Commercial Classification under a special permit, described as follows:

Tract No. 2-B

BEING a tract of land situated in the T. Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being out of the C. C. Oates 393.66 acre original tract as recorded in Volume 666, page 336, Dallas County Deed Records and being more particularly described as follows:

BEGINNING at a point on the northwesterly line of U. S. Highway 67, said point being 190' from the centerline of said Highway, measured at right angles; said point also being the south corner of a 105.19 acre tract conveyed to the City of Mesquite by C. C. Oates, a point for corner; said point being on a curve to the left having a radius of 11,773.93' and a central angle of 6° 06' 17";

THENCE in a southwesterly direction with the northerly line of said U. S. Highway 67 and around said curve, 1254.48' to a point on the northerly line of a Dallas Power & Light Company Right-of-Way, a point for corner;

THENCE N. 62° 39' W. with the northerly line of said Dallas Power & Light Company Right-of-Way, 340.0' to a point for corner;

THENCE N. 18° 13' E., 1124.62' to a point on the southerly line of a 105.19 acre tract owned by the City of Mesquite;

THENCE N. 87° 49' E. with the southerly line of said City of Mesquite tract, 250.0' to a point for corner;

THENCE N. 80° 15' E. and continuing along the City of Mesquite tract, 463.86' to a point for corner;

THENCE S. 25° 45' E., 773.62' to the place of beginning and containing 24.82 acres of land.

SECTION 3. That the special permits for the "A-1" Apartment and the "C" Commercial Classification uses are approved and granted on the following express conditions and in accordance with Section IV of Ordinance No. 120 of the City of Mesquite:

(1) That prior to the issuance of any building permits, all conditions of the Minimum Development Ordinance No. 522 of the City must be complied with.

(2) That any and all signs or billboards placed on the property shall comply with Ordinances Nos. 452 and 453 of the City of Mesquite.

(3) A lot on which a multiple family dwelling is erected or converted shall contain not less than 1,200 square feet per family.

(4) That whenever a structure is erected or converted for multiple dwelling use, one and one-half (1½) offstreet parking spaces shall be provided on the lot, but not in the required front yard, for each dwelling unit in the structure, as indicated on the approved site plan.

SECTION 4. That the site plan for the above described tracts of land, when approved by the Planning and Inspection Department, shall become a part of this ordinance for all purposes. A true copy of the site plan shall be retained in the office of the City Secretary and in the office of the Director of Public Works, on the above described tracts of land, for observance in connection with these improvements. That all paved areas, permanent drives, streets and drainage structures, if any, shall be constructed in accordance with standard City of Mesquite specifications adopted for such purposes and shall be done to the satisfaction of the City Engineer; that the entire cost of all such paved areas, permanent drives, streets and drainage structures, if any, shall be paid by the developer.

SECTION 5. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That the above described tracts of land shall be used only in the manner and for the purposes provided for by Ordinance No. 120 of the City of Mesquite, as heretofore amended and as amended herein by the granting of this special permit.

SECTION 7. That should any paragraph, sentence, 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 hereof 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 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance No. 120 of the City of Mesquite, as heretofore amended, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.


SECTION 9. Whereas, the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED by the City Council on the 20 day of July, 1964.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

ATTORNEY