

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY AN "R-3" RESIDENTIAL ZONING CLASSIFICATION, SAID PROPERTY BEING DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE W. J. LEWIS SURVEY, ABSTRACT NO. 812, P. McCLARY SURVEY, ABSTRACT NO. 966 AND THE JAMES MOORE SURVEY, ABSTRACT NO. 973, IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SAM RUTHERFORD, TRUSTEE, TRACT, SAID POINT BEING NORTH 1 DEGREE 00 MINUTES EAST, A DISTANCE OF 506.41 FEET FROM THE NORTHEAST CORNER OF EASTERN HEIGHTS ADDITION, SECOND INSTALLMENT, AN ADDITION TO THE CITY OF MESQUITE, TEXAS, AS FILED FOR RECORD IN VOLUME 47, AT PAGE 81 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AN IRON STAKE FOUND FOR CORNER; THENCE, SOUTH 89 DEGREES 21 MINUTES EAST, ALONG THE NORTH LINE OF SAID SAM RUTHERFORD, TRUSTEE, TRACT AND THE SOUTH LINE OF THE INWOOD CORPORATION TRACT, A DISTANCE OF 1,009.63 FEET TO A POINT IN THE SAID SAM RUTHERFORD, TRUSTEE, TRACT EAST LINE, SAME BEING THE F. A. McWHORTER AND FRANK GREENHAW WEST LINE, AN IRON STAKE FOUND FOR CORNER; THENCE, SOUTH 0 DEGREES 33 MINUTES WEST ALONG THE EAST LINE OF SAM RUTHERFORD, TRUSTEE, TRACT AND THE SAID WEST LINE OF F. A. McWHORTER AND FRANK GREENHAW TRACT, A DISTANCE OF 1,500.00 FEET TO THE NORTHEASTERLY PROPERTY LINE OF SIERRA DRIVE, (A 60 FOOT RIGHT-OF-WAY), AN IRON STAKE FOR CORNER; THENCE, SOUTH 41 DEGREES 53 MINUTES EAST, ALONG THE SAID NORTHEASTERN LINE OF SIERRA DRIVE EXTENDED, A DISTANCE OF 248.06 FEET TO THE NORTHWESTERLY LINE OF EULANE ROAD, A POINT FOR CORNER; THENCE, SOUTH 45 DEGREES 33 MINUTES WEST, ALONG THE NORTHWESTERLY LINE OF SAID EULANE ROAD AND MESQUITE BALLEY ROAD, A DISTANCE OF 1,667.28 FEET TO THE SOUTHWEST CORNER OF THE SAM RUTHERFORD, TRUSTEE, TRACT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NEL DEVELOPMENT CORPORATION TRACT, A POINT FOR CORNER; THENCE, NORTH 1 DEGREE 00 MINUTES EAST, ALONG THE SAID SAM RUTHERFORD WEST LINE OF THE EAST LINE OF NEL DEVELOPMENT CORPORATION TRACT PART OF THE WAY, A DISTANCE OF 2,843.12 FEET TO THE PLACE OF BEGINNING AND CONTAINING 55 ACRES OF LAND; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) 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 granting of zoning changes 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 change of zoning should be granted herein:

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas on the 17th day of August, 1964, 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 "R-3" Residential Zoning Classification, described as follows:

BEING a tract of land situated in the W. J. Lewis Survey, Abstract No. 812, P. McClary Survey, Abstract No. 966 and the James Moore Survey, Abstract No. 973, in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northwest corner of the Sam Rutherford, Trustee, tract, said point being N. 1° 00' E., a distance of 506.41 feet from the Northeast corner of Eastern Heights Addition, Second Installment, an addition to the City of Mesquite, Texas, as filed for record in Volume 47, at Page 81 of the Map Records of Dallas County, Texas, an iron stake found for corner;

THENCE, South 89° 21' East, along the North line of said Sam Rutherford, Trustee, tract and the South line of the Inwood Corporation tract, a distance of 1,009.63 feet to a point in the said Sam Rutherford, Trustee, tract East line, same being the F. A. McWhorter and Frank Greenhaw West line, an iron stake found for corner;

THENCE, South 0° 33' West along the East line of Sam Rutherford, Trustee, tract and the said West line of F. A. McWhorter and Frank Greenhaw tract, a distance of 1,500.00 feet to the Northeasterly property line of Sierra Drive, (a 60' right-of-way), an iron stake for corner;

Page 3 - Ordinance 619

THENCE, South $41^{\circ} 53'$ East, along the said Northeastern line of Sierra Drive extended, a distance of 248.06 feet to the Northwesterly line of Eulane Road, a point for corner;

THENCE, South $46^{\circ} 33'$ West, along the Northwesterly line of said Eulane Road and Mesquite Balley Road, a distance of 1,667.28 feet to the Southwest corner of the Sam Rutherford, Trustee, tract, said point also being the Southeast corner of the Nel Development Corporation Tract, a point for corner;

THENCE, North $1^{\circ} 00'$ East, along the said Sam Rutherford West line of the East line of Nel Development Corporation tract part of the way, a distance of 2,843.12 feet to the PLACE OF BEGINNING and containing 55 acres of land.

SECTION 2. 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 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. 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 5. 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 of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 6. 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 22 day of November, 1965...

APPROVED:

George Boyer
MAYOR

ATTEST:

Norm G. McLaughlin
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY

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