

ORDINANCE NO. 637

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 CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "I" INDUSTRY DISTRICT TO "C" COMMERCIAL DISTRICT CLASSIFICATION: BEING OUT OF THE J. LAKEY SURVEY, ABSTRACT 810 AND THE SWING & LAWS SURVEY, ABSTRACT 1396, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF KEARNEY STREET AND THE SOUTHERLY EXTENSION OF LEE STREET AS PROPOSED, SAID POINT BEING LOCATED IN THE NORTH LINE OF KEARNEY STREET APPROXIMATELY 210 FEET WEST OF THE WEST LINE OF ROYAL CREST DRIVE; THENCE IN A NORTHERLY AND NORTHWESTERLY DIRECTION FOLLOWING THE CURVE OF THE PROPOSED EXTENSION OF LEE STREET AS LAID OUT BY CITY ENGINEERS, A DISTANCE OF 680 FEET TO A POINT FOR CORNER; THENCE WITH AN ANGLE OF 90 DEGREES TO THE LEFT A DISTANCE OF 290 FEET TO A POINT FOR CORNER, SAID POINT BEING LOCATED 300 FEET NORTH OF THE NORTH LINE OF KEARNEY STREET; THENCE ALONG A LINE 300 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF KEARNEY STREET A DISTANCE OF 1,005 FEET TO A POINT FOR CORNER IN THE WEST LINE OF THE PROPOSED 60 FOOT STREET; THENCE CROSSING SAID 60 FOOT STREET AND THEN CONTINUING IN A WESTERLY DIRECTION A DISTANCE OF 360 FEET TO THE POINT FOR CORNER; THENCE WITH AN ANGLE OF 90 DEGREES TO THE RIGHT A DISTANCE OF 180 FEET MORE OR LESS TO A POINT IN THE SOUTHEAST LINE OF AN EXISTING ALLEY IN BLOCK 17 OF EL ROSA ADDITION; THENCE SOUTHWESTERLY ALONG SAID ALLEY A DISTANCE OF 280 FEET MORE OR LESS TO A POINT FOR CORNER IN THE NORTHEAST LINE OF GROSS ROAD; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID LINE OF GROSS ROAD AND ITS CONTINUATION EAST AS THE NORTH LINE OF KEARNEY STREET TO THE PLACE OF BEGINNING; AND SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "I" INDUSTRY DISTRICT TO "A" MULTIPLE-FAMILY DISTRICT CLASSIFICATION: BEING OUT OF THE J. LAKEY SURVEY, ABSTRACT 810 AND THE SWING & LAWS SURVEY, ABSTRACT 1396, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF KEARNEY STREET AND THE SOUTHERLY EXTENSION OF LEE STREET AS PROPOSED, SAID POINT BEING LOCATED IN THE NORTH LINE OF KEARNEY STREET APPROXIMATELY 210 FEET WEST OF THE WEST LINE OF ROYAL CREST DRIVE; THENCE IN A NORTHERLY AND NORTHWESTERLY DIRECTION FOLLOWING THE CURVE OF THE PROPOSED EXTENSION OF LEE STREET AS LAID OUT BY CITY ENGINEERS, A DISTANCE OF 680 FEET TO A POINT FOR CORNER; THENCE WITH AN ANGLE OF 90 DEGREES TO THE LEFT A DISTANCE OF 290 FEET TO A POINT FOR CORNER, SAID POINT BEING LOCATED 300 FEET NORTH OF THE NORTH

LINE OF KEARNEY STREET; THENCE ALONG A LINE 300 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF KEARNEY STREET A DISTANCE OF 1,005 FEET TO A POINT FOR CORNER IN THE WEST LINE OF THE PROPOSED 60 FOOT STREET; THENCE CROSSING SAID 60 FOOT STREET AND THEN CONTINUING IN A WESTERLY DIRECTION A DISTANCE 360 FEET TO THE POINT FOR CORNER; THENCE WITH AN ANGLE OF 90 DEGREES TO THE RIGHT A DISTANCE OF 180 FEET MORE OR LESS TO A POINT FOR CORNER IN THE SOUTHEAST LINE OF AN ALLEY IN BLOCK 17 OF EL ROSA ADDITION; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID ALLEY, THE SAME BEING THE BOUNDARY LINE OF THE EL ROSA ADDITION, A DISTANCE OF 2,135 FEET MORE OR LESS TO A POINT FOR CORNER, SAID POINT ALSO BEING A CORNER POINT IN THE EL ROSA ADDITION; THENCE IN AN EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY OF THE EL ROSA ADDITION A DISTANCE OF 140 FEET MORE OR LESS TO A POINT FOR CORNER IN THE WEST LINE OF AN ALLEY LOCATED WEST OF ROYAL CREST; THENCE IN A SOUTHERLY DIRECTION FOLLOWING SAID ALLEY LINE TO A POINT FOR CORNER IN THE NORTH LINE OF KEARNEY STREET; THENCE IN A WESTERLY DIRECTION ALONG SAID NORTH LINE OF KEARNEY STREET TO THE PLACE OF BEGINNING; 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 a change of zoning from "I" Industry District to "C" Commercial District classification:

Being out of the J. Lakey Survey, Abstract 810 and the Swing & Laws Survey, Abstract 1396, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the north line of Kearney Street and the southerly extension of Lee Street as proposed, said point being located in the north line of Kearney Street approximately 210 feet west of the west line of Royal Crest Drive;

THENCE in a northerly and northwesterly direction following the curve of the proposed extension of Lee Street as laid out by City Engineers, a distance of 680 feet to a point for corner;

THENCE with an angle of 90 degrees to the left a distance of 290 feet to a point for corner, said point being located 300 feet north of the north line of Kearney Street;

THENCE along a line 300 feet north of and parallel to the north line of Kearney Street a distance of 1,005 feet to a point for corner in the west line of the proposed 60 foot street;

THENCE crossing said 60 foot street and then continuing in a westerly direction a distance of 360 feet to the point for corner;

THENCE with an angle of 90 degrees to the right a distance of 180 feet more or less to a point in the southeast line of an existing alley in Block 17 of El Rosa Addition;

THENCE southwesterly along said alley a distance of 280 feet more or less to a point for corner in the northeast line of Gross Road;

THENCE in a southeasterly direction along said line of Gross Road and its continuation east as the north line of Kearney Street to the place of beginning.

SECTION 2. 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 change the following described property from "I" Industry District to "A" Multiple-Family District classification:

Being out of the J. Lakey Survey, Abstract 810 and the Swing & Laws Survey, Abstract 1396, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the north line of Kearney Street and the southerly extension of Lee Street as proposed, said point being located in the north line of Kearney Street approximately 210 feet west of the west line of Royal Crest Drive;

THENCE in a northerly and northwesterly direction following the curve of the proposed extension of Lee Street as laid out by City Engineers, a distance of 680 feet to a point for corner;

THENCE with an angle of 90 degrees to the left a distance of 290 feet to a point for corner, said point being located 300 feet north of the north line of Kearney Street;

THENCE along a line 300 feet north of and parallel to the north line of Kearney Street a distance of 1,005 feet to a point for corner in the west line of the proposed 60 foot street;

THENCE crossing said 60 foot street and then continuing in a westerly direction a distance 360 feet to the point for corner;

THENCE with an angle of 90 degrees to the right a distance of 180 feet more or less to a point for corner in the southeast line of an alley in Block 17 of El Rosa Addition;

THENCE in a northeasterly direction along said alley, the same being the boundary line of the El Rosa Addition, a distance of 2,135 feet more or less to a point for corner, said point also being a corner point in the El Rosa Addition;

THENCE in an easterly direction along the southern boundary of the El Rosa Addition a distance of 140 feet more or less to a point for corner in the west line of an alley located west of Royal Crest;

THENCE in a southerly direction following said alley line to a point for corner in the north line of Kearney Street;

THENCE in a westerly direction along said north line of Kearney Street to the place of beginning.

SECTION 3. That prior to issuance of any certificates of occupancy upon the above described tract of land zoned herein as "A" Multiple-Family District, the developer at his sole cost and expense shall construct a covered drainage channel along the northwest side of this tract of land subject to the specifications of the City.

SECTION 4. 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 5. That the above described tract of land shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 6. 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 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 7. 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 8. 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 4 day of April, 1966.

APPROVED:

George Boyce
MAYOR

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY

ATTEST:

Norman W. Houghy
CITY SECRETARY