

NO. 706

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 GRANT A CHANGE OF ZONING ON THE HEREINAFTER DESCRIBED TRACTS OF PROPERTY, THE FIRST OF SAID TRACTS TO BE REFERRED TO AS TRACT "A" AND THE SECOND OF SAID TRACTS AS TRACT "B", SAID TRACT "A" TO BE GRANTED A ZONING CHANGE FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "L-R" LOCAL RETAIL DISTRICT, SAID TRACT "B" TO BE GRANTED A ZONING CHANGE FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "A" MULTIPLE FAMILY DWELLING DISTRICT, SAID TRACTS BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS: TRACT "A" ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED AND LYING IN THE CITY OF MESQUITE AND COUNTY OF DALLAS, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEING A PART OF THE S. H. MILLER SURVEY, ABSTRACT No. 969 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A POINT IN THE PRESENT SOUTH LINE OF BRUTON ROAD, A 100 FOOT RIGHT-OF-WAY, SAID POINT BEING SOUTH 89 DEGREES 31 MINUTES 09 SECONDS EAST, 2941.76 FEET FROM THE CENTER LINE OF HICKORY TREE ROAD, POINT ALSO BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN STATE OF TEXAS CAUSE NO. 50205-C; THENCE SOUTH 20 DEGREES 26 MINUTES 35 SECONDS EAST, 160.60 FEET ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT TO A POINT FOR CORNER; THENCE SOUTH 89 DEGREES 31 MINUTES 09 SECONDS EAST, 442.62 FEET PARALLEL TO THE SOUTH LINE OF BRUTON ROAD TO A POINT FOR CORNER; THENCE NORTH 0 DEGREES 28 MINUTES 51 SECONDS EAST, 150.0 FEET TO A POINT ON SOUTH LINE OF BRUTON ROAD; THENCE NORTH 89 DEGREES 31 MINUTES 09 SECONDS WEST, 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.6 ACRES OF LAND MORE OR LESS. TRACT "B" BEING ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED AND LYING IN THE CITY OF MESQUITE AND COUNTY OF DALLAS, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEING A PART OF THE S. H. MILLER SURVEY, ABSTRACT NO. 969, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: STARTING AT A POINT FOR REFERENCE IN THE PRESENT SOUTH LINE OF BRUTON ROAD, A 100 FOOT RIGHT-OF-WAY, SAID POINT BEING SOUTH 89 DEGREES 31 MINUTES 09 SECONDS EAST, 2,941.76 FEET FROM THE CENTER LINE OF HICKORY TREE ROAD, POINT ALSO BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN STATE OF TEXAS CAUSE NO. 50205-C; THENCE SOUTH 20 DEGREES 26 MINUTES 35 SECONDS EAST, 160.60 FEET ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT TO A POINT FOR THE BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE CONTINUE

SOUTH 20 DEGREES 26 MINUTES 35 SECONDS EAST, 334.08 FEET ALONG EAST LINE OF SAID STATE OF TEXAS TRACT TO A POINT FOR CORNER; THENCE SOUTH 15 DEGREES 51 MINUTES 14 SECONDS EAST, 422.15 FEET ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT TO A POINT FOR CORNER; THENCE NORTH 89 DEGREES 55 MINUTES 43 SECONDS EAST, 1,162.74 FEET ALONG AN EXISTING FENCE LINE TO A POINT FOR CORNER; THENCE NORTH 72 DEGREES 36 MINUTES 02 SECONDS EAST, 167.51 FEET ALONG AN EXISTING FENCE LINE TO A POINT FOR CORNER; THENCE NORTH 68 DEGREES 03 MINUTES 08 SECONDS EAST, 328.45 FEET ALONG AN EXISTING FENCE LINE TO A POINT FOR CORNER; THENCE NORTH 23 DEGREES 53 MINUTES 51 SECONDS EAST, 123.05 FEET TO A POINT FOR CORNER IN THE PRESENT SOUTH LINE OF BRUTON ROAD; THENCE NORTH 47 DEGREES 09 MINUTES 09 SECONDS WEST, 418.10 FEET ALONG THE SAID PRESENT SOUTH LINE OF BRUTON ROAD TO A POINT FOR CORNER; THENCE ALONG A CIRCULAR CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 42 DEGREES 22 MINUTES AND A RADIUS OF 1,095.92 FEET, AN ARC DISTANCE OF 810.36 FEET TO A POINT FOR CORNER; THENCE NORTH 89 DEGREES 31 MINUTES 09 SECONDS WEST, 414.26 FEET ALONG THE SAID PRESENT SOUTH LINE OF BRUTON ROAD TO A POINT FOR CORNER; THENCE SOUTH 0 DEGREES 28 MINUTES 51 SECONDS WEST, 150.00 FEET TO A POINT FOR CORNER; THENCE NORTH 89 DEGREES 31 MINUTES 09 SECONDS WEST, 442.62 FEET TO THE PLACE OF BEGINNING AND CONTAINING 28.5 ACRES OF LAND, MORE OR LESS; 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 grant a change of zoning on the hereinafter described tracts of property, the first of said tracts to be referred to as Tract "A" and the second of said tracts as Tract "B", said Tract "A" to be granted a zoning change from "R-1" Single Family Dwelling District to "L-R" Local Retail District, said Tract "B" to be granted a zoning change from "R-1" Single Family Dwelling District to "A" Multiple Family Dwelling District, said

tracts being in the City of Mesquite, Dallas County, Texas, and being described as follows:

TRACT "A"

All that certain lot, tract, or parcel of land situated and lying in the City of Mesquite and County of Dallas, Texas, and being described as follows:

Being a part of the S. H. Miller Survey, Abstract No. 969, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the present South line of Bruton Road, a 100 foot right-of-way, said point being South 89 degrees 31 minutes 09 seconds East, 2,941.76 feet from the center line of Hickory Tree Road, point also being the Northeast corner of the property described in State of Texas Cause No. 50205-C;

THENCE South 20 degrees 26 minutes 35 seconds East, 160.60 feet along the East line of said State of Texas tract to a point for corner;

THENCE South 89 degrees 31 minutes 09 seconds East, 442.62 feet parallel to the south line of Bruton Road to a point for corner;

THENCE North 0 degrees 28 minutes 51 seconds East, 150.00 feet to a point on south line of Bruton Road;

THENCE North 89 degrees 31 minutes 09 seconds West, 500.00 feet to the point of BEGINNING and containing 1.6 acres of land more or less.

TRACT "B"

All that certain lot, tract, or parcel of land situated and lying in the City of Mesquite and County of Dallas, Texas, and being described as follows:

Being a part of the S. H. Miller Survey, Abstract No. 969, and being more particularly described by metes and bounds as follows:

Starting at a point for reference in the present South line of Bruton Road, a 100 foot right-of-way, said point being South 89 degrees 31 minutes 09 seconds East, 2,941.76 feet from the center line of Hickory Tree Road, point also being the Northeast corner of the property described in State of Texas Cause No. 50205-C;

THENCE South 20 degrees 26 minutes 35 seconds East, 160.60 feet along the East line of said State of Texas tract to a point for the BEGINNING of the hereinafter described tract of land;

THENCE continue South 20 degrees 26 minutes 35 seconds East, 334.08 feet along east line of said State of Texas tract to a point for corner;

THENCE South 15 degrees 51 minutes 14 seconds East, 422.15 feet along the east line of said State of Texas tract to a point for corner;

THENCE North 89 degrees 55 minutes 43 seconds East, 1,162.74 feet along an existing fence line to a point for corner;

THENCE North 72 degrees 36 minutes 02 seconds East, 167.51 feet along an existing fence line to a point for corner;

THENCE North 68 degrees 03 minutes 08 seconds East, 328.45 feet along an existing fence line to a point for corner;

THENCE North 23 degrees 53 minutes 51 seconds East, 123.05 feet to a point for corner in the present south line of Bruton Road;

THENCE North 47 degrees 09 minutes 09 seconds West, 418.10 feet along the said present south line of Bruton Road to a point for corner;

THENCE along a circular curve to the left having a central angle of 42 degrees 22 minutes and a radius of 1,095.92 feet, an arc distance of 810.36 feet to a point for corner;

THENCE North 89 degrees 31 minutes 09 seconds West, 414.26 feet along the said present south line of Bruton Road to a point for corner;

THENCE South 0 degrees 28 minutes 51 seconds West,
150.00 feet to a point for corner;

THENCE North 89 degrees 31 minutes 09 seconds West,
442.62 feet to the PLACE OF BEGINNING and containing
28.5 acres of land more or less.

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.

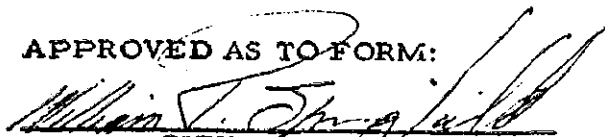
SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided 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 20 day
of Nov., 1967.

APPROVED AS TO FORM:


CITY ATTORNEY


MAYOR

ATTEST:


CITY SECRETARY

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