

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 REAL PROPERTY AS FOLLOWS; TO WIT: TRACT NUMBER ONE FROM "R-2" SINGLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT; TRACT NUMBER TWO FROM "R-2" SINGLE-FAMILY DWELLING DISTRICT TO "A" MULTIPLE-FAMILY DWELLING DISTRICT; TRACT NUMBER THREE FROM "R-2" SINGLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT; TRACT NUMBER FOUR FROM "R-2" SINGLE-FAMILY DWELLING DISTRICT TO "A" MULTIPLE FAMILY DWELLING DISTRICT: SAID TRACTS OF REAL PROPERTY BEING SITUATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I ("R-2" TO "C") BEING A TRACT OF LAND SITUATED IN THE I. THOMAS SURVEY, ABSTRACT NO. 1501, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF A 211.67 ACRE TRACT CONVEYED TO MURPHY DALTON AND WILLIAM E. DALTON BY TEE REALTY COMPANY AS RECORDED IN VOLUME 4221, PAGE 555, DALLAS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID DALTON TRACT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID I. THOMAS SURVEY, SAID POINT ALSO BEING AN INSIDE CORNER OF A 84.2 ACRE TRACT CONVEYED TO A. L. PIETZSCH BY EMERSON CHENAULT AS RECORDED IN VOLUME 3265, PAGE 619, DALLAS COUNTY DEED RECORDS, A BOIS D' ARC POST FOUND IN PLACE FOR CORNER; THENCE NORTH 89° 54' WEST WITH A SOUTH LINE OF SAID DALTON TRACT, 16.88 FEET TO A POINT IN AN EASTERLY LINE OF INTERSTATE HIGHWAY 635, A CONCRETE MARKER FOUND IN PLACE FOR CORNER; THENCE NORTH 08° 11' WEST WITH AN EASTERLY LINE OF SAID HIGHWAY 127.95 FEET TO A CONCRETE MARKER FOUND IN PLACE FOR CORNER; THENCE NORTH 11° 39' WEST WITH AN EASTERLY LINE OF SAID HIGHWAY 661.21 FEET TO A CONCRETE MARKER FOUND IN PLACE FOR CORNER; THENCE NORTH 08° 11' WEST WITH AN EASTERLY LINE OF SAID HIGHWAY 25 FEET TO A POINT FOR CORNER; THENCE NORTH 89° 04' EAST 160 FEET TO A POINT FOR A CORNER; THENCE SOUTH 0° 56' EAST 805.52 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.38 ACRES OF LAND MORE OR LESS. TRACT II ("R-2" TO "A") BEGINNING AT A POINT ON THE EASTERLY LINE OF INTERSTATE HIGHWAY 635 SAID POINT BEING THE NORTHWEST CORNER OF TRACT I DESCRIBED ABOVE; THENCE NORTH 0.8° 11' WEST WITH AN EASTERLY LINE OF SAID HIGHWAY 1104.88 FEET TO AN IRON STAKE SET FOR CORNER; THENCE NORTH 89° 00' EAST, 298.58 FEET TO A POINT IN THE EAST LINE OF SAID DALTON TRACT, SAID POINT BEING

THE NORTHWEST CORNER OF THE AFOREMENTIONED PIETZSCH 84.2 ACRE TRACT, A BOIS D'ARC POST FOUND IN PLACE FOR CORNER; THENCE SOUTH $0^{\circ} 56'$ EAST, 1092.69 FEET TO A POINT; THENCE WEST 160 FEET TO THE POINT OF BEGINNING IN THE EASTERLY LINE OF SAID HIGHWAY AND CONTAINING 5.95 ACRES OF LAND MORE OR LESS. TRACT III ("R-2" TO "C") BEING SITUATED IN THE JOHN T. NELMS SURVEY, ABSTRACT 1095, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE PRESENT SOUTHWEST CORNER OF SAID ESTELLE CHENAULT TRACT, SAID POINT BEING IN THE NORTH LINE OF TOWN EAST BOULEVARD (AN 80' R/W), SAID POINT ALSO BEING THE PRESENT SOUTHEAST CORNER OF AN ORIGINAL 2.996 ACRE TRACT CONVEYED TO ROBERT E. PIETZSCH BY A.L. PIETZSCH AND WIFE, CORA PIETZSCH, AS RECORDED IN VOLUME 3737, PAGE 359, DALLAS COUNTY DEED RECORDS, A POINT FOR CORNER; THENCE NORTH $20^{\circ} 42'$ WEST WITH THE WESTERLY LINE OF SAID ESTELLE CHENAULT TRACT 347.85' TO A POINT FOR CORNER; THENCE NORTH $15^{\circ} 29'$ WEST APPROXIMATELY 60 FEET TO A POINT; THENCE IN AN EASTERLY DIRECTION MORE OR LESS PARALLEL WITH THE NORTH RIGHT LINE OF TOWN EAST BOULEVARD, A DISTANCE OF APPROXIMATELY 460 FEET TO A POINT; THENCE SOUTH $1^{\circ} 00'$ EAST A DISTANCE OF APPROXIMATELY 380 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF TOWN EAST BOULEVARD; THENCE SOUTH $88^{\circ} 56'$ WEST 430 FEET, MORE OR LESS, ALONG THE NORTH RIGHT-OF-WAY LINE OF TOWN EAST BOULEVARD TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 4.31 ACRES OF LAND, MORE OR LESS. TRACT IV ("R-2" TO "A") BEGINNING AT THE NORTHWEST CORNER OF TRACT III DESCRIBED ABOVE FOR POINT OF BEGINNING; THENCE NORTH $15^{\circ} 29'$ WEST, 115.20 FEET TO A POINT FOR CORNER; THENCE NORTH $41^{\circ} 01'$ EAST WITH SAID CHENAULT WESTERLY LINE 423.50 FEET TO A POINT FOR CORNER; THENCE NORTH $30^{\circ} 40'$ EAST WITH SAID CHENAULT WESTERLY LINE 187.90 FEET TO A POINT FOR CORNER; THENCE NORTH $4^{\circ} 50'$ EAST WITH SAID CHENAULT WESTERLY LINE 396.80 FEET TO A POINT FOR CORNER; THENCE NORTH $9^{\circ} 40'$ WEST WITH SAID CHENAULT WESTERLY LINE 219.20 FEET TO A POINT FOR CORNER; THENCE NORTH $24^{\circ} 48'$ EAST WITH SAID CHENAULT WESTERLY LINE 210.10 FEET TO A POINT FOR CORNER; THENCE NORTH $21^{\circ} 27'$ EAST WITH SAID CHENAULT WESTERLY LINE 291.53 FEET TO THE NORTHWEST CORNER OF SAID CHENAULT TRACT; THENCE SOUTH $1^{\circ} 00'$ EAST APPROXIMATELY 1665 FEET TO A POINT; THENCE WEST APPROXIMATELY 460 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.89 ACRES OF LAND MORE OR LESS. BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS

OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HERewith; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING A SEVERABILITY CLAUSE; BY 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 following described tracts of real property as follows; to wit: Tract Number one from "R-2" Single-family Dwelling District to "C" Commercial District; Tract Number two from "R-2" Single-family Dwelling District to "A" Multiple-family Dwelling District; Tract Number three from "R-2" Single-family Dwelling District to "C" Commercial District; Tract Number four from "R-2" Single-family Dwelling District to "A" Multiple-family Dwelling District, all said tracts of real property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I

BEING a tract of land situated in the I. Thomas Survey, Abstract No. 1501, City of Mesquite, Dallas County, Texas, and being out of a 211.67 acre tract conveyed to Murphy Dalton and William E. Dalton by Tee Realty Company as recorded in Volume 4221, Page 555, Dallas County Deed Records, and being more particularly described as follows:

BEGINNING at the Most Easterly Southeast corner of said Dalton tract, said point being the Southeast corner of said I. Thomas Survey, said point also being an inside

corner of a 84.2 acre tract conveyed to A. L. Pietzsch by Emerson Chenault as recorded in Volume 3265, Page 619, Dallas County Deed Records, a bois d' arc post found in place for corner;

THENCE NORTH $89^{\circ} 54'$ West with a South line of said Dalton tract 16.88 feet to a point in an Easterly line of Interstate Highway 635, a concrete marker found in place for corner;

THENCE NORTH $08^{\circ} 11'$ West with an Easterly line of said Highway 127.95 feet to a concrete marker found in place for corner;

THENCE NORTH $11^{\circ} 39'$ West with an Easterly line of said Highway 661.21 feet to a concrete marker found in place for corner;

THENCE NORTH $08^{\circ} 11'$ West with an Easterly line of said highway 25 feet to a point for corner;

THENCE NORTH $89^{\circ} 04'$ East 160 feet to a point for a corner;

THENCE SOUTH $0^{\circ} 56'$ East 805.52 feet to the place of beginning and containing 1.38 acres of land more or less.

TRACT II

BEGINNING at a point on the Easterly line of Interstate Highway 635 said point being the Northwest corner of Tract I described above:

THENCE NORTH $08^{\circ} 11'$ West with an Easterly line of said highway 1104.88 feet to an iron stake set for corner;

THENCE NORTH $89^{\circ} 00'$ East, 298.58 feet to a point in the East line of said Dalton tract, said point being the Northwest corner of the aforementioned Pietzsch 84.2 acre tract, a bois d' arc post found in place for corner;

THENCE SOUTH $0^{\circ} 56'$ East, 1092.69 feet to a point;

THENCE WEST 160 feet to the point of beginning in the Easterly line of said highway and containing 5.95 acres of land more or less.

TRACT III

BEING situated in the John T. Nelms Survey, Abstract 1095, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the present southwest corner of said Estelle Chenault tract, said point being in the north line of Town East Boulevard (an 80' R/W), said point also being the present southeast corner of an original 2.996 acre tract conveyed to Robert E. Pietzsch by A. L. Pietzsch and wife, Cora Pietzsch, as recorded in Volume 3737, Page 359, Dallas County Deed Records, a point for corner;

THENCE NORTH $20^{\circ} 42'$ West with the westerly line of said Estelle Chenault tract 347.85' to a point for corner;

THENCE NORTH $15^{\circ} 29'$ West approximately 60 feet to a point;

THENCE in an Easterly direction more or less parallel with the North right line of Town East Boulevard, a distance of approximately 460 feet to a point;

THENCE SOUTH $1^{\circ} 00'$ East a distance of approximately 380 feet to a point on the North right-of-way line of Town East Boulevard;

THENCE SOUTH $88^{\circ} 56'$ West 430 feet, more or less, along the North right-of-way line of Town East Boulevard to the point of beginning and containing approximately 4.31 acres of land more or less.

TRACT IV

BEGINNING at the Northwest corner of Tract III above described for point of beginning;

THENCE North $15^{\circ} 29'$ West, 115.20 feet to a point for corner;

THENCE NORTH $41^{\circ} 01'$ East with said Chenault Westerly line 423.50 feet to a point for corner;

THENCE NORTH $30^{\circ} 40'$ East with said Chenault Westerly line 187.90 feet to a point for corner;

THENCE NORTH $4^{\circ} 50'$ East with said Chenault westerly line 396.80 feet to a point for corner;

THENCE NORTH $9^{\circ} 40'$ West with said Chenault Westerly line 219.20 feet to a point for corner;

THENCE NORTH $24^{\circ} 48'$ East with said Chenault Westerly line 210.10 feet to a point for corner;

THENCE NORTH $21^{\circ} 27'$ East with said Chenault Westerly line 291.53 feet to the Northwest corner of said Chenault tract;

THENCE SOUTH $1^{\circ} 00'$ East approximately 1665 feet to a point;

THENCE WEST approximately 460 feet to the point of beginning and containing 9.89 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.

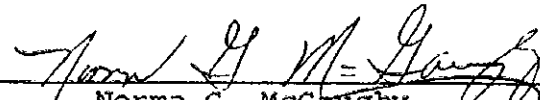
SECTION 6. Whereas, the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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 6 day of January, 1969.



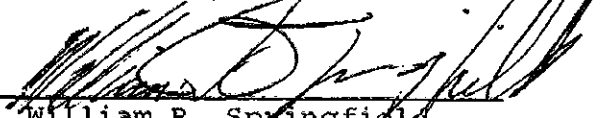
GEORGE BOYCE
MAYOR

ATTEST:



Norma G. McGaughey
City Secretary

APPROVED AS TO FORM.



William R. Springfield
Attorney

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