

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 "A" MULTIPLE-FAMILY DWELLING DISTRICT; TRACT NUMBER TWO FROM "R-2" SINGLE-FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL DISTRICT; TRACT NUMBER THREE FROM "R-2" SINGLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT; ALL SAID TRACTS OF PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND DESCRIBED AS FOLLOWS: TRACT I ("R-2" TO "A") A TRACT OF LAND OUT OF THE JOHN T. NELMS SURVEY, ABSTRACT NO. 1095 AND BEING PART OF THE 110 ACRES CALLED FIRST TRACT IN DEED FROM LYDA MAE LYTOL, ET AL, TO J. B. GALLOWAY, DATED JANUARY 28, 1933, AND RECORDED IN VOLUME 1825 AT PAGE 23 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF TOWN EAST BOULEVARD (MURPHY SCHOOL-NEW HOPE ROAD), SAID POINT BEING 40 FEET SOUTH OF THE CENTER LINE OF TOWN EAST BOULEVARD, AS ESTABLISHED BY RIGHT-OF-WAY DEED TO THE COUNTY OF DALLAS, DATED SEPTEMBER 14, 1948, AND RECORDED IN VOLUME 3037 AT PAGE 240 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND 400 FEET WEST OF THE WEST LINE OF A 165 ACRE TRACT CONVEYED BY ARLENE W. THOMPSON ET VIR TO O. W. GIBBONS BY DEED DATED NOVEMBER 25, 1939, RECORDED IN VOLUME 2171 AT PAGE 391 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE SOUTH  $1^{\circ} 01' 52''$  WEST A DISTANCE OF 975 FEET TO A POINT FOR CORNER; THENCE SOUTH  $45^{\circ} 0' 0''$  WEST A DISTANCE OF 570 FEET TO A POINT FOR CORNER; THENCE SOUTH  $1^{\circ} 01' 52''$  WEST A DISTANCE OF 200 FEET TO A POINT FOR CORNER; THENCE NORTH  $89^{\circ} 16'$  WEST A DISTANCE OF 940 FEET MORE OR LESS TO A POINT FOR CORNER IN THE EAST LINE OF A 6.43596 ACRE TRACT CONVEYED BY J. B. GALLOWAY AND WIFE MYRTLE GALLOWAY TO DALLAS POWER AND LIGHT COMPANY BY DEED DATED APRIL 19, 1961, AND RECORDED IN VOLUME 5533 AT PAGE 364 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE NORTH  $28^{\circ} 67' 01''$  EAST ALONG SAID EAST LINE OF DALLAS POWER AND LIGHT COMPANY RIGHT-OF-WAY A DISTANCE OF 1282 FEET MORE OR LESS TO A POINT FOR CORNER IN THE SOUTH LINE OF TOWN EAST BOULEVARD AS ESTABLISHED BY DEED DATED SEPTEMBER 14, 1948; THENCE SOUTH  $89^{\circ} 06' 38''$  EAST ALONG SAID LINE OF TOWN EAST BOULEVARD, A DISTANCE OF 524.37 FEET TO THE PLACE OF BEGINNING. TRACT II ("R-2" TO "LR") BEING A TRACT OF LAND SITUATED IN DALLAS COUNTY, TEXAS, OUT OF THE JOHN T. NELMS

SURVEY, ABSTRACT NO. 1095, AND BEING PART OF 110 ACRES CALLED FIRST TRACT IN DEED FROM LYDA MAE LYTAL, ET AL, TO J. B. GALLOWAY, DATED JANUARY 28, 1933, AND RECORDED IN VOLUME 1825 AT PAGE 23 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF TOWN EAST BOULEVARD (MURPHY SCHOOL-NEW HOPE ROAD), SAID POINT BEING 44.5 FEET SOUTH OF THE NORTHWEST CORNER OF SAID J. B. GALLOWAY 110 ACRE TRACT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF A 74.04 ACRE TRACT CONVEYED TO SEARS, ROEBUCK AND COMPANY BY DEED DATED SEPTEMBER 27, 1966, AND RECORDED IN VOLUME 918 AT PAGE 0855 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE SOUTH  $0^{\circ} 34' 52''$  WEST A DISTANCE OF 1979.15 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF SAID J. B. GALLOWAY 110 ACRE TRACT; THENCE SOUTH  $88^{\circ} 56' 08''$  EAST A DISTANCE OF 237.60 FEET TO A POINT FOR CORNER IN THE WEST LINE OF A 6.43596 ACRE TRACT CONVEYED BY J. B. GALLOWAY AND WIFE MYRTLE GALLOWAY TO DALLAS POWER AND LIGHT COMPANY BY DEED DATED APRIL 19, 1961, AND RECORDED IN VOLUME 5533 AT PAGE 369 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE NORTH  $46^{\circ} 05' 01''$  EAST ALONG SAID WEST LINE OF THE DALLAS POWER AND LIGHT COMPANY TRACT A DISTANCE OF 105.38 FEET TO AN ANGLE POINT FOR CORNER; THENCE NORTH  $28^{\circ} 07' 01''$  EAST CONTINUING ALONG SAID WEST LINE A DISTANCE OF 1558 FEET MORE OR LESS TO A POINT FOR CORNER, SAME BEING IN A LINE 560 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID J. B. GALLOWAY 110 ACRE TRACT, SAME BEING THE CENTER LINE OF TOWN EAST BOULEVARD; THENCE NORTH  $89^{\circ} 06' 38''$  WEST A DISTANCE OF 550 FEET TO A POINT FOR CORNER; THENCE NORTH  $0^{\circ} 34' 52''$  EAST A DISTANCE OF 520 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF TOWN EAST BOULEVARD AS ESTABLISHED BY DEED DATED SEPTEMBER 14, 1948; THENCE WEST ALONG SAID LINE OF TOWN EAST BOULEVARD A DISTANCE OF 423 FEET MORE OR LESS TO THE PLACE OF BEGINNING. TRACT III ("R-2" TO "C") BEING A TRACT OF LAND SITUATED IN DALLAS COUNTY, TEXAS, OUT OF THE JOHN T. NELMS SURVEY, ABSTRACT NO. 1095, AND BEING PART OF 110 ACRES CALLED FIRST TRACT IN DEED FROM LYDA MAE LYTAL, ET AL, TO J. B. GALLOWAY, DATED JANUARY 28, 1933, AND RECORDED IN VOLUME 1825 AT PAGE 23 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF TOWN EAST BOULEVARD, AS ESTABLISHED BY DEED DATED SEPTEMBER 14, 1948, AND THE WEST LINE OF A 6.43596 ACRE TRACT CONVEYED BY J. B. GALLOWAY AND WIFE MYRTLE GALLOWAY TO DALLAS POWER AND LIGHT COMPANY BY DEED DATED APRIL 19, 1961, AND RECORDED

IN VOLUME 5533 AT PAGE 369 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE SOUTH 28° 07' 01" WEST ALONG SAID WEST LINE OF DALLAS POWER AND LIGHT COMPANY TRACT A DISTANCE OF 590 FEET MORE OR LESS TO A POINT FOR CORNER, SAME BEING IN A LINE 560 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID J. B. GALLOWAY 110 ACRE TRACT, SAME BEING THE CENTER LINE OF TOWN EAST BOULEVARD; THENCE NORTH 89° 06' 38" WEST A DISTANCE OF 550 FEET TO A POINT FOR CORNER; THENCE NORTH 0° 34' 52" EAST A DISTANCE OF 520 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF TOWN EAST BOULEVARD AS ESTABLISHED BY DEED DATED SEPTEMBER 14, 1948; THENCE EAST ALONG SAID LINE OF TOWN EAST BOULEVARD A DISTANCE OF 823 FEET MORE OR LESS TO THE PLACE OF BEGINNING. 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 "A" Multiple-family Dwelling District; Tract Number Two from "R-2" Single-family Dwelling District to "LR" Local Retail District; Tract Number Three from "R-2" Single-family Dwelling District to "C" Commercial District; said tracts of property being in the City of Mesquite, Dallas County, Texas, and described as follows:

## TRACT I

A tract of land out of the John T. Nelms Survey, Abstract No. 1095 and being part of the 110 acres called First Tract in Deed from Lyda Mae Lytol, et al to J. B. Galloway, dated January 28, 1933, and recorded in Volume 1825 at page 23 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South right-of-way line of Town East Boulevard (Murphy School - New Hope Road), said point being 40 feet South of the center line of Town East Boulevard, as established by right-of-way deed to the County of Dallas, dated September 14, 1948, and recorded in Volume 3037 at page 240 of the Deed Records of Dallas County, Texas, and 400 feet West of the west line of a 165 acre tract conveyed by Arlene W. Thompson et vir to O. W. Gibbons by deed dated November 25, 1939, recorded in Volume 2171 at page 391 of the Deed Records of Dallas County, Texas;

THENCE SOUTH  $1^{\circ} 01' 52''$  West a distance of 975 feet to a point for corner;

THENCE SOUTH  $45^{\circ} 0' 0''$  West a distance of 570 feet to a point for corner;

THENCE SOUTH  $1^{\circ} 01' 52''$  West a distance of 200 feet to a point for corner;

THENCE NORTH  $89^{\circ} 16'$  West a distance of 940 feet more or less to a point for corner in the east line of a 6.43596 acre tract conveyed by J. B. Galloway and wife Myrtle Galloway to Dallas Power and Light Company by Deed dated April 19, 1961, and recorded in Volume 5533 at page 364 of the Deed Records of Dallas County, Texas;

THENCE NORTH  $28^{\circ} 67' 01''$  East along said east line of Dallas Power and Light Company right-of-way a distance of 1282 feet more or less to a point for corner in the south line of Town East Boulevard as established by Deed dated September 14, 1948;

THENCE SOUTH  $89^{\circ} 06' 38''$  East along said line of Town East Boulevard, a distance of 524.37 feet to the place of beginning.

## TRACT II

Being a tract of land situated in Dallas County, Texas, out of the John T. Nelms Survey, Abstract No. 1095; and being part of 110 acres called First Tract in Deed from Lyda Mae Lytal, et al, to J. B.

Galloway, dated January 28, 1933, and recorded in Volume 1825 at page 23 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South right-of-way line of Town East Boulevard (Murphy School-New Hope Road), said point being 44.5 feet South of the Northwest corner of said J. B. Galloway 110 acre tract, said point also being the Northeast corner of a 74.04 acre tract conveyed to Sears, Roebuck and Company by Deed dated September 27, 1966, and recorded in Volume 918 at page 0855 of the Deed Records of Dallas County, Texas;

THENCE SOUTH  $0^{\circ} 34' 52''$  West a distance of 1979.15 feet to a point for corner in the south line of said J. B. Galloway 110 acre tract;

THENCE SOUTH  $88^{\circ} 56' 08''$  East a distance of 237.60 feet to a point for corner in the West line of a 6.43596 acre tract conveyed by J. B. Galloway and wife Myrtle Galloway to Dallas Power and Light Company by Deed dated April 19, 1961, and recorded in Volume 5533 at page 369 of the Deed Records of Dallas County, Texas;

THENCE NORTH  $46^{\circ} 05' 01''$  East along said west line of the Dallas Power and Light Company tract a distance of 105.38 feet to an angle point for corner;

THENCE NORTH  $28^{\circ} 07' 01''$  East continuing along said West line a distance of 1558 feet more or less to a point for corner, same being in a line 560 feet South of and parallel to the North line of said J. B. Galloway 110 acre tract, same being the center line of Town East Boulevard;

THENCE NORTH  $89^{\circ} 06' 38''$  West a distance of 550 feet to a point for corner;

THENCE NORTH  $0^{\circ} 34' 52''$  East a distance of 520 feet to a point for corner in the South line of Town East Boulevard as established by Deed dated September 14, 1948;

THENCE West along said line of Town East Boulevard a distance of 423 feet more or less to the place of beginning.

TRACT III

Being a tract of land situated in Dallas County, Texas, out of the John T. Nelms Survey, Abstract No. 1095, and being part of 110 acres called First Tract in Deed from Lyda Mae Lytal, et al, to J. B. Galloway, dated January 28, 1933, and recorded in Volume 1825 at

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page 23 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Town East Boulevard, as established by Deed dated September 14, 1948, and the West line of a 6.43596 acre tract conveyed by J. B. Galloway and wife Myrtle Galloway to Dallas Power and Light Company by Deed dated April 19, 1961, and recorded in Volume 5533 at page 369 of the Deed Records of Dallas County, Texas;

THENCE SOUTH  $28^{\circ} 07' 01''$  West along said west line of Dallas Power and Light Company tract a distance of 590 feet more or less to a point for corner, same being in a line 560 feet south of and parallel to the north line of said J. B. Galloway 110 acre tract, same being the center line of Town East Boulevard;

THENCE NORTH  $89^{\circ} 06' 38''$  West a distance of 550 feet to a point for corner;

THENCE NORTH  $0^{\circ} 34' 52''$  East a distance of 520 feet to a point for corner in the South line of Town East Boulevard as established by Deed dated September 14, 1948;

THENCE East along said line of Town East Boulevard a distance of 823 feet more or less to the place of beginning.

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

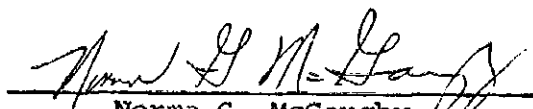
Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

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.

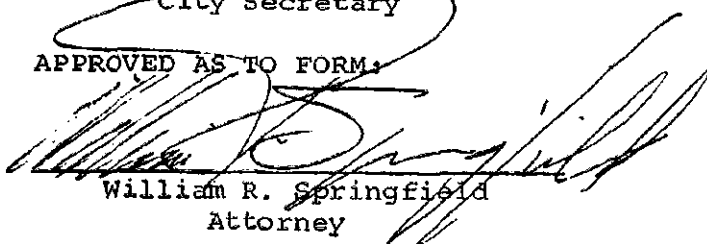
DULY PASSED by the City Council of the City of Mesquite,  
Dallas County, Texas, on the 6 day of  
January, 1969.

  
GEORGE BOYCE  
MAYOR

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
William R. Springfield  
Attorney