

## ORDINANCE NO. 815

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: TRACT NUMBER ONE FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL DISTRICT; TRACT NUMBER TWO FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "A" MULTIPLE-FAMILY DWELLING DISTRICT. BOTH TRACTS OF PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I ("R-3" TO "LR"); BEING A TRACT OF LAND LYING AND BEING SITUATED IN DALLAS COUNTY, TEXAS, AND BEING A PART OF THAT 40 ACRE TRACT OF LAND OUT OF THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1028, CONVEYED BY DR. A. J. HART ET UX TO I. N. RANGE ET UX OCTOBER 17, 1900 BY DEED RECORDED IN VOLUME 263, PAGE 89 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH-EAST LINE OF GUS THOMASSON ROAD, SAID POINT BEING NORTH 45° 00' WEST, 150.00 FEET FROM THE NORTHWEST LINE OF RANGE DRIVE; THENCE NORTH 45° 00' WEST, 1365.13 FEET TO AN IRON STAKE FOR CORNER; THENCE NORTH 45° 17' 30" EAST, 300.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 00' EAST, 1515.26 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 19' WEST, 150.00 FEET TO A POINT FOR CORNER; THENCE NORTH 45° 00' WEST, 150.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 19' WEST, 150.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.918 ACRES OF LAND. TRACT II ("R-3" TO "A"); BEING A TRACT OF LAND LYING AND BEING SITUATED IN DALLAS COUNTY, TEXAS, AND BEING A PART OF THAT 40 ACRE TRACT OF LAND OUT OF THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1028, CONVEYED BY DR. A. J. HART ET UX TO I. N. RANGE ET UX OCTOBER 17, 1900 BY DEED RECORDED IN VOLUME 263, PAGE 89 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHWEST LINE OF RANGE DRIVE, SAID POINT BEING NORTH 45° 19' EAST, 300.00 FEET FROM THE NORTHEAST LINE OF GUS THOMASSON ROAD; THENCE NORTH 45° 00' WEST, 1515.26 FEET TO A POINT FOR CORNER; THENCE NORTH 45° 17' 30" EAST, 782.50 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 59' EAST, 1515.60 FEET TO A POINT IN THE NORTHWEST LINE OF RANGE DRIVE FOR CORNER; THENCE SOUTH 45° 19' WEST, ALONG THE NORTHWEST LINE OF RANGE DRIVE, 782.06 FEET TO THE POINT OF BEGINNING AND CONTAINING

27.215 ACRES OF LAND. 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: Tract No. I from "R-3" Single-Family Dwelling District to "LR" Local Retail District; Tract No. II from "R-3" Single-Family Dwelling District to "A" Multiple-Family Dwelling District; both tracts of said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I.  
("R-3" to "LR")

BEING a tract of land lying and being situated in Dallas County, Texas, and being a part of that 40 acre tract of land out of the McKinney and Williams Survey, Abstract No. 1028, conveyed by Dr. A. J. Hart et ux to I. N. Range et ux, October 17, 1900, by Deed recorded in Volume 263, Page 89 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

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BEGINNING at a point in the Northeast line of Gus Thomasson Road, said point being North 45° 00' West, 150.00 feet from the Northwest line of Range Drive;

THENCE North 45° 00' West, 1365.13 feet to an iron stake set for corner;

THENCE North 45° 17' 30" East, 300.00 feet to a point for corner;

THENCE South 45° 00' East, 1515.26 feet to a point for corner;

THENCE South 45° 19' West, 150.00 feet to a point for corner;

THENCE North 45° 00' West, 150.00 feet to a point for corner;

THENCE South 45° 19' West, 150.00 feet to the point of Beginning and containing 9.918 acres of land.

TRACT II.  
("R-3" to "A")

BEING a tract of land lying and being situated in Dallas County, Texas, and being a part of that 40 acre tract of land out of the McKinney and Williams Survey, Abstract No. 1028, conveyed by Dr. A. J. Hart et ux to I. N. Range et ux, October 17, 1900, by Deed recorded in Volume 263, Page 89 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the Northwest line of Range Drive, said point being North 45° 19' East, 300.00 feet from the Northeast line of Gus Thomasson Road;

THENCE North 45° 00' West, 1515.26 feet to a point for corner;

THENCE North 45° 17' 30" East, 782.50 feet to a point for corner;

THENCE South 44° 59' East, 1515.60 feet to a point in the Northwest line of Range Drive for corner;

THENCE South 45° 19' West, along the Northwest line of Range Drive, 782.06 feet to the point of Beginning and containing 27.215 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.

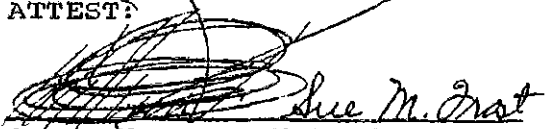
SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided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

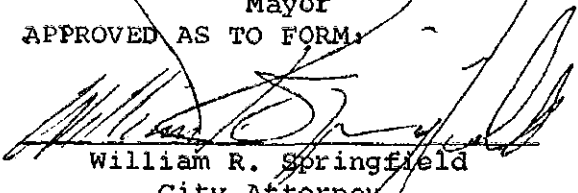
SECTION 6. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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 of the City of Mesquite, Texas, on the 18th day of August, A. D., 1969.

ATTEST:

  
Sue M. Frost  
Acting City Secretary

  
George Boyce  
Mayor  
APPROVED AS TO FORM:

  
William R. Springfield  
City Attorney