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ORDINANCE NO. 866

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 PROPERTY FROM "R-1" SINGLE-FAMILY DWELLING DISTRICT TO "SP SPECIAL PERMIT FOR TOWNHOUSES, LOCAL RETAIL AND APARTMENTS ON A 40.53 ACRE TRACT OF LAND OUT OF THE T. THOMAS SURVEY, ABSTRACT #1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I, BEING A TRACT OR PARCEL OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 50 FEET SOUTH 45° 00' EAST OF THE WESTERLY CORNER OF THE CHRISTIAN COLLEGE OF THE SOUTHWEST 40.53 ACRE TRACT MEASURED ALONG THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD SOUTH 45° 00' EAST, A DISTANCE OF 689.90 FEET; THENCE NORTH 45° 02' EAST, A DISTANCE OF 315.70 FEET; THENCE NORTH 45° 00' WEST, A DISTANCE OF 689.90 FEET; THENCE SOUTH 45° 02' WEST, A DISTANCE OF 315.70 FEET TO THE PLACE OF BEGINNING AND CONTAINING 5 ACRES OF LAND. TRACT II, BEING A TRACT OR PARCEL OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SAID POINT BEING 50 FEET SOUTH 45° 00' EAST AND 315.70 FEET NORTH 45° 02' EAST OF THE WESTERLY CORNER OF THE CHRISTIAN COLLEGE OF THE SOUTHWEST 40.53 ACRE TRACT; THENCE SOUTH 45° 00' EAST, A DISTANCE OF 689.90 FEET; THENCE NORTH 45° 02' EAST, A DISTANCE OF 813.73 FEET; THENCE NORTH 45° 00' WEST, A DISTANCE OF 689.90 FEET; THENCE SOUTH 45° 02' WEST, A DISTANCE OF 813.73 FEET TO THE PLACE OF BEGINNING AND CONTAINING IN ALL 12.885 ACRES OF LAND. TRACT III, BEING A TRACT OR PARCEL OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 819.90 FEET SOUTH 45° 00' EAST OF THE WESTERLY CORNER OF THE CHRISTIAN COLLEGE OF THE SOUTHWEST 40.53 ACRE TRACT OF LAND MEASURED ALONG THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD SOUTH 45° 00' EAST, A DISTANCE OF 574.90 FEET; THENCE NORTH 45° 02' EAST, A DISTANCE OF 1,129.43 FEET; THENCE NORTH

45° 00' WEST, A DISTANCE OF 574.90 FEET; THENCE SOUTH 45° 02' WEST, A DISTANCE OF 1,129.43 FEET TO THE PLACE OF BEGINNING AND CONTAINING 14.91 ACRES OF LAND. TRACT IV, BEING A TRACT OR PARCEL OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1,394.80 FEET SOUTH 45° 00' EAST OF THE WESTERLY CORNER OF THE CHRISTAIN COLLEGE OF THE SOUTHWEST 40.53 ACRE TRACT MEASURED ALONG THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD; THENCE SOUTH 45° 00' EAST, A DISTANCE OF 135 FEET; THENCE NORTH 45° 02' EAST, A DISTANCE OF 1,129.43 FEET; THENCE NORTH 45° 00' WEST, A DISTANCE OF 135 FEET; THENCE SOUTH 45° 02' WEST, A DISTANCE OF 1,129.43 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.5 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 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 property from "R-1" Single-Family Dwelling District to "SP" Special Permit for Townhouses, Local Retail and Apartments on a 40.53 acre tract of land

out of the T. Thomas Survey, Abstract #1461, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I
("R-1" to Local Retail)

BEING a tract or parcel of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point 50 feet South 45° 00' East of the Westerly corner of the Christian College of the Southwest 40.53 acre tract measured along the North-easterly line of Barnes Bridge Road;

THENCE continuing along the Northeasterly line of Barnes Bridge Road South 45° 00' East, a distance of 689.90 feet;

THENCE North 45° 02' East, a distance of 315.70 feet;

THENCE North 45° 00' West, a distance of 689.90 feet;

THENCE South 45° 02' West, a distance of 315.70 feet to the place of Beginning and containing 5 acres of land.

TRACT II
("R-1" to Apartments)

BEING a tract or parcel of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point, said point being 50 feet South 45° 00' East and 315.70 feet North 45° 02' East of the Westerly corner of the Christian College of the Southwest 40.53 acre tract;

THENCE South 45° 00' East, a distance of 689.90 feet;

THENCE North 45° 02' East, a distance of 813.73 feet;

THENCE North 45° 00' West, a distance of 689.90 feet;

THENCE South 45° 02' West, a distance of 813.73 feet to the Place of Beginning and containing in all 12.885 acres of land.

TRACT III
("R-1" to Apartments)

BEING a tract or parcel of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point 819.90 feet South 45° 00' East of the Westerly corner of the Christian College of the Southwest 40.53 acre tract of land measured along the Northeasterly line of Barnes Bridge Road;

THENCE continuing along the Northeasterly line of Barnes Bridge Road South 45° 00' East, a distance of 574.90 feet;

THENCE North 45° 02' East, a distance of 1,129.43 feet;

THENCE North 45° 00' West, a distance of 574.90 feet;

THENCE South 45° 02' West, a distance of 1,129.43 feet to the Place of Beginning and containing 14.91 acres of land.

TRACT IV
("R-1" to Townhouses)

BEING a tract or parcel of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point 1,394.80 feet South 45° 00' East of the Westerly corner of the Christian College of the Southwest 40.53 acre tract measured along the Northeasterly line of Barnes Bridge Road;

THENCE South 45° 00' East, a distance of 135 feet;

THENCE North 45° 02' East, a distance of 1,129.43 feet;

THENCE North 45° 00' West, a distance of 135 feet;

THENCE South 45° 02' West, a distance of 1,129.43 feet to the Place of Beginning and containing 3.5 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 6 day of July, A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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