

ORDINANCE NO. 886

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING CLASSIFICATION OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GRANT A CHANGE OF ZONING ON THE FOLLOWING DESCRIBED TRACTS OF PROPERTY FROM "LR" LOCAL RETAIL DISTRICT TO "SP" SPECIAL PERMIT FOR APARTMENTS AND TO "R-3" SINGLE-FAMILY DWELLING DISTRICT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS; TRACT I (SPECIAL PERMIT FOR APARTMENTS) BEGINNING AT A POINT IN THE SOUTHWEST LINE OF SAN MARCUS AVENUE, A 50 FOOT STREET; AND SOUTH  $42^{\circ} 03'$  EAST, 97.67 FEET FROM DURMONT DRIVE; THENCE NORTH  $47^{\circ} 57'$  EAST, 57.09 FEET TO A POINT FOR CORNER IN THE SOUTH LINE IN A 15 FOOT ALLEY; THENCE AROUND A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF  $38^{\circ} 41' 30''$ , WHOSE RADIUS IS 618.59 FEET FOR A DISTANCE OF 417.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH  $1^{\circ} 34'$  EAST, 547.83 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF OATES DRIVE; THENCE AROUND A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $6^{\circ} 01' 57''$ , WHOSE RADIUS IS 624.74 FEET AND FOR A DISTANCE OF 66.32 FEET; THENCE NORTH  $1^{\circ} 34'$  WEST, 573.09 FEET TO A POINT OF A CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE AROUND A CURVE WITH A CENTRAL ANGLE OF  $35^{\circ} 10' 33''$ , WHOSE RADIUS IS 558.59 FEET AND FOR A DISTANCE OF 342.94 FEET TO A POINT FOR CORNER; THENCE  $47^{\circ} 57'$  EAST, 5 FEET TO A POINT FOR CORNER; THENCE NORTH  $42^{\circ} 03'$  WEST, 32.33 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.32 ACRE OF LAND, OR 57,494.71 SQUARE FEET. TRACT II (SPECIAL PERMIT FOR APARTMENTS) BEGINNING AT THE SOUTH CORNER OF THE D. C. MOTLEY 5.00 ACRE TRACT SAID POINT BEING ON THE NORTH LINE OF OATES DRIVE AND SOUTH  $51^{\circ} 30'$  WEST, 369.16 FEET FROM GUS THOMASSON ROAD; THENCE SOUTH  $51^{\circ} 30'$  WEST, 563.61 FEET ALONG NORTH LINE OF OATES DRIVE TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE AROUND THE CURVE WITH A CENTRAL ANGLE OF  $17^{\circ} 06' 58''$  AND WHOSE RADIUS IS 674.24 FOR A DISTANCE OF 136.03 TO A POINT FOR CORNER; THENCE NORTH  $1^{\circ} 34'$  WEST, 573.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE AROUND THE CURVE WITH A CENTRAL ANGLE OF  $35^{\circ} 10' 33''$  AND WHOSE RADIUS IS 558.59 FEET FOR A DISTANCE OF 342.94 FEET TO A POINT FOR CORNER; THENCE NORTH  $47^{\circ} 57'$  EAST, 5 FEET TO A POINT FOR CORNER; THENCE NORTH  $42^{\circ} 03'$  WEST, 32.33 FEET TO A POINT FOR CORNER; THENCE NORTH  $47^{\circ} 57'$  EAST, 185 FEET TO A POINT FOR CORNER; THENCE NORTH  $42^{\circ} 03'$  WEST, 42.92 FEET TO A POINT FOR CORNER; THENCE NORTH  $45^{\circ} 09'$  EAST, 173.84

FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 54' EAST, 251.86 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 09' WEST, 139.62 FEET TO A POINT FOR CORNER; THENCE SOUTH 42° 03' EAST, 546.99 FEET TO THE PLACE OF BEGINNING CONTAINING 427,460.55 SQUARE FEET, OR 9.81 ACRES OF LAND. TRACT III ("R-3" SINGLE-FAMILY DWELLING DISTRICT) BEGINNING AT THE SOUTHEAST CORNER OF LOT 17, BLOCK 20 CASA VIEW HEIGHTS NO. 15 AN ADDITION TO THE CITY OF MESQUITE, TEXAS, ALSO POINT BEING SOUTH 42° 03' EAST, 130.03 FEET FROM THE SOUTHEAST LINE OF DURMONT DRIVE; THENCE NORTH 47° 57' EAST, 123.12 FEET TO A POINT FOR CORNER IN THE SOUTHEAST LINE OF LOT 17, BLOCK 20; THENCE AROUND A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 35° 10' 33" AND WHOSE RADIUS IS 558.59 FOR A DISTANCE OF 342.94 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 1° 34' EAST, 573.09 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF OATES DRIVE; THENCE AROUND A CURVE TO RIGHT WITH A CENTRAL ANGLE OF 11° 39' 17" WHOSE RADIUS IS 624.74 FEET FOR A DISTANCE OF 127.08 FEET TO A POINT FOR CORNER THAT IS THE EAST LINE OF A 15 FOOT ALLEY; THENCE NORTH 01° 34' WEST, 603.54 FEET ALONG SAID EAST LINE OF ALLEY TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE AROUND THE CURVE WITH A CENTRAL ANGLE OF 33° 41' 33" WHOSE RADIUS IS 436.19 FOR A DISTANCE OF 256.50 FEET TO THE PLACE OF BEGINNING CONTAINING 2.51 ACRES OF LAND, OR 109,478.45 SQUARE FEET. 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 THAT THE FOREGOING ZONING BE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES OF THE CITY OF MESQUITE; 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 property from "LR" Local Retail to "SP" Special Permit for Apartments, (with a density not to exceed eighteen (18) unites per acre), and to "R-3" Single-Family Dwelling District, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I  
(SPECIAL PERMIT FOR APARTMENTS)

BEGINNING at a point in the Southwest line of San Marcus Avenue, a 50 foot Street, and South  $42^{\circ} 03'$  East, 97.67 feet from Dumont Drive;

THENCE North  $47^{\circ} 57'$  East, 57.09 feet to a point for corner in the South line in a 15 foot alley;

THENCE around a curve to the Right with a central angle of  $38^{\circ} 41' 30''$ , whose radius is 618.59 feet for a distance of 417.13 feet to the point of tangency of said curve;

THENCE South  $1^{\circ} 34'$  East, 547.83 feet to a point for corner in the North line of Oates Drive;

THENCE around a curve to the Left with a central angle of  $6^{\circ} 01' 57''$ , whose radius is 624.74 feet and for a distance of 66.32 feet;

THENCE North  $1^{\circ} 34'$  West, 573.09 feet to a point of curvature of a circular curve to the left;

THENCE around a curve with a central angle of  $35^{\circ} 10' 33''$ , whose radius is 558.59 feet and for a distance of 342.94 feet to a point for corner;

THENCE 47° 57' East, 5 feet to a point for corner;

THENCE North 42° 03' West, 32.33 feet to the Place of BEGINNING, containing 1.32 acre of land, or 57,494.71 square feet.

TRACT II  
(SPECIAL PERMIT FOR APARTMENTS)

BEGINNING at the South corner of the D. C. Motley 5.00 acre tract, said point being on the North line of Oates Drive and South 51° 30' West, 369.16 feet from Gus Thomasson Road;

THENCE South 51° 30' West, 563.61 feet along North line of Oates Drive to a point of curvature of a circular curve to the Right;

THENCE around the curve with a central angle of 17° 06' 58" and whose radius is 674.24 for a distance of 136.03, to a point for corner;

THENCE North 1° 34' West, 573.09 feet to a point of curvature of a circular curve to the Left;

THENCE around the curve with a central angle of 35° 10' 33" and whose radius is 558.59 feet for a distance of 342.94 feet to a point for corner;

THENCE North 47° 57' East, 5 feet to a point for corner;

THENCE North 42° 03' West, 32.33 feet to a point for corner;

THENCE North 47° 57' East, 185 feet to a point for corner;

THENCE North 42° 03' West, 42.92 feet to a point for corner;

THENCE North 45° 09' East, 173.84 feet to a point for corner;

THENCE South 44° 54' East, 251.86 feet to a point for corner;

THENCE South 45° 09' West, 139.62 feet to a point for corner;

THENCE South 42° 03' East, 546.99 feet to the Place of BEGINNING containing 427,460.55 square feet, or 9.81 acres of land.

TRACT III  
("R-3" SINGLE-FAMILY DWELLING DISTRICT)

BEGINNING at the Southeast corner of Lot 17, Block 20 Casa View Heights No. 15 an addition to the City of Mesquite, Texas, also point being South 42° 03' East, 130.03 feet from the Southeast line of Dumont Drive;

THENCE North 47° 57' East, 123.12 feet to a point for corner in the Southeast line of lot 17, Block 20;

THENCE around a curve to the Right with a central angle of 35° 10' 33" and whose radius is 558.59 for a distance of 342.94 feet to the point of tangency of said curve;

THENCE South 1° 34' East, 573.09 feet to a point for corner in the North line of Oates Drive;

THENCE around a curve to right with a central angle of 11° 39' 17" whose radius is 624.74 feet, for a distance of 127.08 feet to a point for corner that is the East line of a 15 foot alley;

THENCE North 01° 34' West, 603.54 feet along said East line of alley to a point of curvature of a circular curve to the left;

THENCE around the curve with a central angle of 33° 41' 33" whose radius is 436.19 for a distance of 256.50 feet to the place of BEGINNING containing 2.51 acres of land, or 109,478.45 square feet.

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 the foregoing zoning change shall be and is granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 858 of the Mesquite City Code.

SECTION 5. 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.

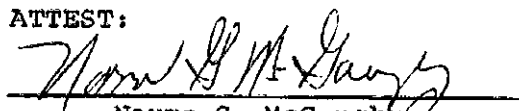
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. 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.

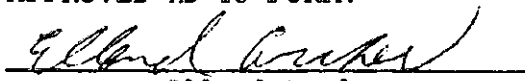
DULY PASSED by the City Council of the City of Mesquite, Texas, on the 5th day of October, A.D., 1970.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
Elland Archer  
City Attorney