

ORDINANCE NO. 909

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 A TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING A PART OF THE E. BARROUX SURVEY, ABSTRACT 161, AND ALSO BEING A PART OF A 67.55 ACRE TRACT CONVEYED TO WILLIAM M. GAYNIER AND CONTAINING 17.28 ACRES, MORE OR LESS, SAVE AND EXCEPT 1.26 ACRES, MORE OR LESS, FOR NECESSARY STREET RIGHT-OF-WAY, FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "A" MULTIPLE-FAMILY DWELLING DISTRICT; 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 IS GRANTED SUBJECT TO ANY DEVELOPMENT TO THE LAND BEING IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR SPECIAL PROVISIONS; 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 property described in Exhibit "A" attached hereto as a part of this Ordinance, said property being in the City of Mesquite, Dallas County, Texas, from "R-3" Single-Family Dwelling District to "A" Multiple-Family Dwelling District.

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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 property described in Exhibit "A" and attached hereto, 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 it 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 the area adjacent to a tract zoned "R-3" Residential, shall be restricted to apartments of one-story construction; that the density of the apartments be restricted to not more than eighteen (18) units per acre and that the acreage used in calculating unit density and "green" area shall not include any portion of the drainage channel.

SECTION 7. 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 8. Whereas, the property described in Exhibit "A" 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.

AN ATTACHMENT TO ORDINANCE NO. 909

EXHIBIT "A"

(FROM "R-3" TO "A")

BEING a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being a part of the E. Barroux Survey, Abstract 161, and also being a part of a 67.55 acre tract conveyed to William M. Gaynier, Trustee, by deed dated February 3, 1970, and recorded in the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner in the Northerly line of Lake June Road (as widened) said point being the Southwesterly corner of said 67.55 acre tract, and also being 30.00 feet North of the Southwesterly corner of the said Barroux Survey;

THENCE, North 0° 40' East along the Westerly line of said 67.55 acre tract a distance of 745.00 feet to a point for corner;

THENCE, South 44° 20' East a distance of 167.98 feet to a point for corner;

THENCE, North 41° 10' East a distance of 6.37 feet to the beginning of a curve to the left;

THENCE, in a Northeasterly direction along said curve to the left having a radius of 280.00 feet and a central angle of 31° 24' 39", an arc distance of 153.50 feet to a point for corner;

THENCE, South 89° 20' East a distance of 124.10 feet to the beginning of a curve to the left;

THENCE, in an Easterly direction along said curve to the left having a radius of 200.00 feet and a central angle of 20° 21', an arc distance of 71.04 feet to the end of said curve to the left;

THENCE, North 70° 19' East a distance of 412.32 feet to a point for corner;

THENCE South 48° 40' East a distance of 70.56 feet to the beginning of a curve to the right;

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THENCE, in a Southeasterly and Southerly direction along said curve to the right having a radius of 150.00 feet and a central angle of $61^{\circ} 45'$, an arc distance of 161.66 feet to the end of said curve to the right and the beginning of a curve to the left;

THENCE, in a Southerly direction along said curve to the left having a radius of 150.00 feet and a central angle of $43^{\circ} 30'$, an arc distance of 113.88 feet to the end of said curve to the left;

THENCE, South $30^{\circ} 25'$ East a distance of 107.00 feet to the beginning of a curve to the right;

THENCE, in a Southerly and Southwesterly direction along said curve to the right having a radius of 100.00 feet and a central angle of $46^{\circ} 30'$, an arc distance of 81.16 feet to the end of said curve to the right;

THENCE, South $16^{\circ} 05'$ West a distance of 61.00 feet to the beginning of a curve to the left;

THENCE, in a Southwesterly, Southerly and Southeasterly direction along said curve to the left having a radius of 150.00 feet and a central angle of $52^{\circ} 00'$, an arc distance of 136.14 feet to the end of said curve to the left and the beginning of a curve to the right;

THENCE in a Southeasterly and Southerly direction along said curve to the right having a radius of 400.00 feet and a central angle of $36^{\circ} 00'$, an arc distance of 251.33 feet to the end of said curve to the right;

THENCE, South $0^{\circ} 05'$ West a distance of 10.00 feet to a point for corner in the Northerly line of Lake June Road;

THENCE, along the Northerly line of Lake June Road (as widened) the following calls;


North $89^{\circ} 55'$ West a distance of 109.80 feet;

South $84^{\circ} 23'$ West a distance of 100.50 feet;

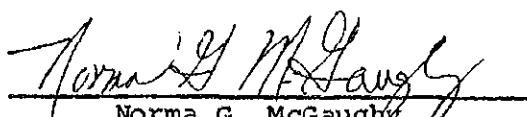
North $89^{\circ} 55'$ West a distance of 830.20 feet to the PLACE OF BEGINNING and containing 17.28 acres, more or less, save and except 1.26 acres, more or less, for necessary street right-of-way.

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DULY PASSED by the City Council of the City of Mesquite, Texas,
on the 7th day of December, A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney

