

ORDINANCE NO. 911

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 THREE TRACTS OF PROPERTY, DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AS A PART OF THIS ORDINANCE, TRACT I - FROM "R-3" AND "R-2" SINGLE FAMILY DWELLING DISTRICTS TO "A" MULTIPLE FAMILY DISTRICT; THIS TRACT CONTAINS 35.15 ACRES AND IS LOCATED APPROXIMATELY 500 FEET NORTHWEST OF THE INTERSECTION OF I. H. 635 AND U. S. HIGHWAY 80, (THE DENSITY IS LIMITED TO NOT MORE THAN EIGHTEEN (18) UNITS PER ACRE OF USABLE LAND; TRACT II - FROM "R-2" SINGLE FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT; THIS TRACT CONTAINS 8.95 ACRES AND FRONTS 893.18 FEET ALONG THE SERVICE ROAD OF I. H. 635 AND U. S. HIGHWAY 80; TRACT III - FROM "R-2" SINGLE FAMILY DWELLING DISTRICT TO "SP" SPECIAL PERMIT FOR MOTEL, HIGH-RISE OFFICE BUILDINGS AND HIGH-RISE APARTMENTS; THIS TRACT CONTAINS 23.324 ACRES AND IS LOCATED IMMEDIATELY SOUTH OF TRACT 2, FRONTING 2,074.04 FEET AT THE NORTHWEST INTERSECTION OF I. H. 635 AND U. S. HIGHWAY 80; ALL OF SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS; 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 DEVELOPMENT OF THE LAND HEREIN ZONED BE DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; 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 Planning 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:

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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 Three Tracts of Property, as follows: Tract I FROM "R-3" and "R-2" Single Family Dwelling Districts to "A" Multiple Family District - This tract contains 35.15 acres and is located approximately 500 feet Northwest of the intersection of I. H. 635 and U. S. Highway 80 - The density is limited to not more than eighteen (18) units per acre of usable land; Tract II FROM "R-2" Single Family Dwelling District to "C" Commercial District - This tract contains 8.95 acres and fronts 893.18 feet along the Service Road of I. H. 635 and U. S. Highway 80; Tract III FROM "R-2" Single Family Dwelling District to "SP" Special Permit for Motel, high rise office buildings and high-rise apartments - This tract contains 23.324 acres and is located immediately South of Tract 2, fronting 2,074.04 feet at the Northwest intersection of I.H. 635 and U. S. Highway 80; all of said property is located in the City of Mesquite, Dallas County, Texas, and is further described in Exhibit "A", which is attached hereto as a part of this Ordinance.

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 as a part of this ordinance, 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.

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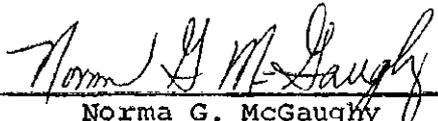
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred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

SECTION 7. Whereas, the property, described in Exhibit "A" and attached hereto as a part of this ordinance, 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 21 day of December, A.D., 1970.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

  
Elland Archer  
City Attorney

AN ATTACHMENT TO  
ORDINANCE NO.

EXHIBIT "A"

BEING Three (3) Tracts of land situated in the Daniel Tanner League, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, said tracts being more particularly described as follows:

TRACT I  
(FROM "R-3" AND "R-2" TO "A")

COMMENCING at a concrete right-of-way marker set at the point of intersection of the West line of Interstate Highway No. 635 and the Southeast right-of-way line of a Dallas Power and Light Company right-of-way; Thence, South 44° 58' 45" West, 447.12 feet, along the Southeast line of said Dallas Power and Light Company right-of-way to the Point of Beginning;

THENCE, South 44° 53' 51" West, 41.86 feet, along the Southeast line of the Dallas Power and Light Company right-of-way;

THENCE, South 74° 47' 23" West, 180.59 feet, along the Southeast line of the Dallas Power and Light Company right-of-way to the point of intersection with the centerline of a Brazos Electric Power Cooperative 60-foot wide easement;

THENCE, South 8° 51' 31" East, 575.00 feet along the centerline of said 60-foot easement;

THENCE, South 80° 14' 07" West, 368.99 feet;

THENCE South 9° 17' 14" East, 498.26 feet;

THENCE South 38° 11' 27" East, 90.00 feet;

THENCE, South 58° 30' 46" West, 481.04 feet;

THENCE, North 61° 56' 25" West, 443.47 feet;

THENCE, North 61° 58' 03" West, 208.53 feet;

THENCE, North 62° 04' West, 466.79 feet, to the Southeast line of the Dallas Power and Light Company right-of way;

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EXHIBIT "A"/PAGE 2

THENCE, North 44° 43' 20" East, 965.43 feet, along  
the Southeast line of said Dallas Power and Light  
Company right-of-way;

THENCE, North 44° 58' 52" East, 252.17 feet;

THENCE, North 46° 22' 03" East, 93.74 feet;

THENCE, North 22° 02' 27" West, 205.80 feet;

THENCE, North 44° 50' 33" East, 542.12 feet;

THENCE, South 45° 16' 27" East, 541.05 feet;

THENCE, South 44° 22' 57" East, 54.04 feet, to a  
point in the Northwest Line of the Dallas Power and  
Light Company right-of-way;

THENCE, South 44° 49' 34" East, 125.00 feet, crossing  
said Dallas Power and Light Company right-of-way to a  
point in the Southeast line of said right-of-way and  
the Point of Beginning and Containing 37.942 Acres of  
land.

TRACT II  
(FROM "R-2" TO "C")

BEGINNING at a concrete right-of-way marker set at the point of  
intersection of the West right-of-way line of Interstate Highway  
No. 635 and the Southeast right-of-way line of a Dallas Power and  
Light Company right-of-way;

THENCE, South 7° 27' 36" East, 736.71 feet, along the  
West line of Interstate Highway No. 635;

THENCE, South 7° 26' 24" East, 156.47 feet, along the  
West line of Interstate Highway No. 635;

THENCE, South 82° 06' 42" West, 552.45 feet, to a  
point on the centerline of a Brazos Electric Power  
Cooperative easement 60 feet in width;

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THENCE, North 8° 51' 31" West, 575.00 feet, along the centerline of said 60-foot easement, to its point of intersection with the Southeast line of the Dallas Power and Light Company right-of-way;

THENCE, along the Southeast line of said Dallas Power and Light Company right-of-way as follows:

North 74° 47' 23" East, 180.59 feet;

North 44° 53' 51" East, 41.86 feet;

North 44° 58' 45" East, 447.12 feet, to the Point of Beginning and Containing 8.950 Acres of Land.

TRACT III  
(FROM "R-2" TO "SP")

COMMENCING at a concrete right-of-way marker set at the point of intersection of the West right-of-way line of Interstate Highway No. 635 and the Southeast right-of-way line of a Dallas Power and Light Company right-of-way; Thence, along the West right-of-way line of Interstate Highway No. 635, South 7° 27' 36" East, 736.71 feet; South 7° 26' 24" East, 156.47 feet, to the Point of Beginning;

THENCE, following the West right-of-way line of Interstate Highway No. 635, and the Northwest right-of-way line of Interstate Highway No. 20 as follows:

South 6° 35' 47" West, 209.00 feet;

South 15° 11' 15" West, 747.60 feet;

South 40° 33' 48" West, 275.00 feet;

South 64° 34' 16" West, 526.72 feet;

South 64° 38' 01" West, 315.72 feet;

South 89° 29' 01" West, 22.55 feet;

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THENCE, North 01° 56' 59" West, 396.68 feet;

THENCE, North 62° 03' 59" West, 59.92 feet;

THENCE, North 27° 21' 05" East, 138.49 feet;

THENCE, North 58° 30' 46" East, 481.04 feet;

THENCE, North 38° 11' 27" West, 90.00 feet;

THENCE, North 9° 17' 14" West, 498.26 feet;

THENCE, North 80° 14' 07" East, 368.99 feet, to a  
point on the centerline of a 60-foot wide Brazos  
Electric Power Cooperative easement;

THENCE, North 82° 06' 42" East, 552.45 feet, to  
the Point of Beginning and Containing 23.324 Acres  
of Land.

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