

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 ZONING CHANGES ON THREE TRACTS OF PROPERTY DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; SAID PROPERTY IS IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND SAID ZONING CHANGES ARE TO BE AS FOLLOWS: TRACT I - FROM "R-3" SINGLE FAMILY DWELLING DISTRICT TO "SP" SPECIAL PERMIT FOR A DAY NURSERY; TRACT II - FROM "R-3" SINGLE FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL DISTRICT; TRACT III - FROM "R-3" SINGLE FAMILY DWELLING DISTRICT TO "A" MULTIPLE FAMILY DWELLING DISTRICT (DENSITY NOT TO EXCEED FIFTEEN (15) APARTMENT UNITS PER ACRE, AND SUBJECT TO APPROVAL OF THE SITE PLAN); 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 THE DEVELOPMENT OF THE LAND BEING 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:

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 to SP Special Permit for a Day Nursery; Tract II - From R-3 to Local

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Retail; Tract III - From "R-3" to "A" Multiple Family Dwelling District (Density not to exceed Fifteen (15) Apartment Units per Acre, and subject to approval of the site plan); all of said property being in the City of Mesquite, Dallas County, Texas, and described in Exhibit "A", which is attached hereto and made 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.

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.

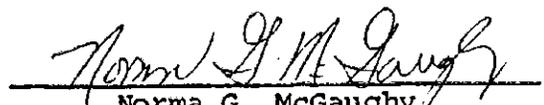
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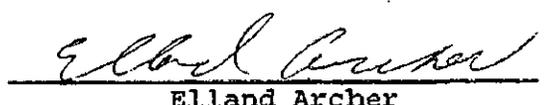
DULY PASSED by the City Council of the City of Mesquite, Texas,
on the 21 day of December, A.D., 1970.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary


Elland Archer
City Attorney

AN ATTACHMENT TO
ORDINANCE NO. 912

EXIHIBIT "A"

TRACT I
(FROM "R-3" TO "SP")

BEING all that certain tract or parcel of land situated in Dallas County, Texas, out of the JOB BADGLEY SURVEY, Abstract No. 74, and being part of a certain 16 acre tract of land conveyed by J. D. Herndon to Eugene Leatherwood et ux, by deed dated February 25, 1943, recorded in Volume 2410 at page 2 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the East line of Peachtree Road, a 60 foot right of way, said point being the Southwest corner of a certain 0.51 acre tract of land conveyed by Carol Ann Tomlinson, a feme sole, to Eugenia Partin, wife of Sneed Partin, dated July 31, 1964, recorded in Volume 383 at page 123 of the Deed Records of Dallas County, Texas;

THENCE South with the East line of Peachtree Road, a distance of 207.43 feet to a point for corner;

THENCE South 89° 41' 20" East parallel with the South line of said Eugenia Partin 0.51 acre tract, a distance of 300 feet, an iron rod;

THENCE North parallel with the East line of Peachtree Road a distance of 327.43 feet to a point for corner in the North line of said Leatherwood 16 acre tract;

THENCE North 89° 41' 20" West with the North line of said 16 acre tract a distance of 115 feet to the Northeast corner of said Partin tract;

THENCE South with the East line of said Partin tract a distance of 120 feet to its Southeast corner;

THENCE North 89° 41' 20" West with the South line of said Partin tract a distance of 185 feet to the place of BEGINNING, and containing 1.745 acres of land, more or less.

TRACT II
(FROM "R-3" TO "LR")

BEING all that certain tract or parcel of land situated in Dallas County, Texas, out of the JOB BADGLEY SURVEY, Abstract No. 74, and

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being part of a certain 16 acre tract of land conveyed by J. D. Herndon to Eugene Leatherwood, et ux, by deed dated February 25, 1943, recorded in Volume 2410 at page 2 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the East line of Peachtree Road, a 60 foot right of way, said point being 207.43 feet South of the Southwest corner of a certain 0.51 acre tract of land conveyed by Carol Ann Tomlinson, a feme sole, to Eugenia Partin, wife of Sneed Partin, by deed dated July 31, 1964, recorded in Volume 383 at page 123 of the Deed Records of Dallas County, Texas;

THENCE South with the East line of Peachtree Road a distance of 250 feet to its intersection with the North line of a certain 6.48 acre tract of land conveyed to Calip B. Dering by deed filed November 20, 1951, in the Deed Records of Dallas County, Texas;

THENCE South 89° 41' 20" East with the North line of said Dering tract a distance of 300 feet to a point for corner;

THENCE North parallel with the East line of Peachtree Road a distance of 250 feet to a point for corner;

THENCE North 89° 41' 20" West parallel with the North line of said Dering 6.48 acre tract a distance of 300 feet to the PLACE OF BEGINNING and containing 1.722 acres of land, more or less.

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

BEING all that certain tract or parcel of land situated in Dallas County, Texas, out of the JOB BADGLEY SURVEY, Abstract No. 74 and being part of a certain 16 acre tract of land conveyed by J. D. Herndon to Eugene Leatherwood, et ux, by deed Dated February 25, 1943, recorded in Volume 2410, Page 2, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the North line of a certain 6.48 acre tract of land conveyed to Calip B. Dering by deed filed November 20, 1951, in the Deed Records of Dallas County, Texas, said point being 300 feet South 89° 41' 20" East from its intersection with the east line of Peachtree Road, a 60-foot right of way;

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THENCE, South $89^{\circ} 41' 20''$ East with the North line of said Dering 6.48 acre tract a distance of 760 feet to a point for corner;

THENCE North parallel with said East line of Peachtree Road a distance of 577.43 feet to a point for corner in the North line of said Leatherwood 16 acre tract;

THENCE North $89^{\circ} 41' 20''$ West along the North line of said 16 acre tract a distance of 760 feet to a point for corner;

THENCE South parallel with the said East line of Peachtree Road a distance of 577.43 feet to the PLACE OF BEGINNING and containing 10.075 acres of land more or less.