

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 FROM "R-3" SINGLE FAMILY DISTRICT TO SPECIAL PERMIT FOR MULTIPLE FAMILY DISTRICT, WITH THE STIPULATION THAT THE TOWNHOUSES BE DELETED AND THE DENSITY BE LIMITED TO NOT MORE THAN 18 APARTMENT UNITS PER ACRE; FURTHER, THAT CONSIDERATION BE GIVEN TO THE POSSIBLE ALIGNMENT OF THE PROPOSED STREET WITH JANE STREET; SAID PROPERTY BEING SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED IN SECTION 1, OF THIS ORDINANCE; 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 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 the following described property from "R-3" Single Family District to Special Permit for Multiple Family Dwelling District, with the stipulation that the townhouses be deleted and the density be limited to not more than 18 apartment units per acre; further, that consideration be given to the possible alignment of the proposed street with Jane Street, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

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BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462 of Dallas County, Texas, and also being situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

Commencing at the West corner of the Simon P. Oster 34.5 acre tract of land as recorded in Volume 2148, Page 182 of the Deed Records of Dallas County, Texas; thence North $45^{\circ} 01'$ East along the Northwesterly line of the above described 34.5 acre tract for a distance of 905.0 feet to the place of beginning of this tract;

THENCE continuing along the Northwesterly line of the 34.5 acre tract for a distance of 491.58 feet to an iron pin which was found; in place for a corner, said point also being the most Westerly corner of a 2.25 acre tract, more or less, of land belonging to the Gross Road Baptist Church;

THENCE South $45^{\circ} 34' 03''$ East along the Southwesterly line of the said 2.25, more or less, acre tract for a distance of 200.00 feet to an iron pin which was found in place for a corner;

THENCE North $44^{\circ} 55' 16''$ East along the Southwesterly line of said 2.25, more or less, acre tract for a distance of 489.48 feet to an iron pin which was found in place for a corner in the Southwesterly right of way line of Gross Road;

THENCE South $43^{\circ} 58' 34''$ East along the Southwesterly right-of-way line of Gross Road for a distance of 540.00 feet to a corner post which was found for a corner;

THENCE departing from the Southwesterly right-of-way line of Gross Road South $42^{\circ} 18' 03''$ West for a distance of 10.24 feet to an iron pin which was found in place for a corner;

THENCE South $45^{\circ} 01' 01''$ West for a distance of 1483.31 feet to a point for a corner, being in a circular curve to the right whose central angle is $25^{\circ} 12' 06''$ and whose radius is 350 feet;

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THENCE along said circular curve to the right in a Northerly direction for a distance of 153.94 feet to the point of a reverse curve of a circular curve to the left whose central angle is 34° 00' and whose radius is 350.00 feet;

THENCE along said circular curve to the left for a distance of 207.69 feet to the point of tangency;

THENCE North 44° 33' West for a distance of 59.27 feet to the beginning of a circular curve to the right whose central angle is 89° 34' and whose radius is 170.00 feet;

THENCE along said circular curve to the right for a distance of 265.75 feet to the point of tangency;

THENCE North 45° 01' East for a distance of 56.28 feet to the beginning of a circular curve to the left whose central angle is 90° 00' and whose radius is 175.00 feet;

THENCE along said circular curve to the left for a distance of 274.89 feet to the place of beginning and containing 20.011 acres of land which is 871,710 square feet.

SAVE AND EXCEPT THAT PORTION OF LAND DESCRIBED BELOW:

BEING a tract of land out of the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, and being also in the City of Mesquite, Texas, and being more particularly described as follows:

Commencing at the West corner of the Simon P. Oster 34.5 acre tract as recorded in Volume 2148, Page 182 of the Deed Records of Dallas County, Texas; thence North 45° 01' East along the South line of a 15 foot alley a distance of 1253.30 feet to the place of beginning of this survey;

THENCE continuing along the South side of a 15 foot alley North 45° 01' East a distance of 143.28 feet;

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THENCE South 45° 34' 03" East along the Southeast line of the Gross Road Baptist Church property;

THENCE South 44° 55' 16" West a distance of 143.27 feet to a point for a corner;

THENCE North 45° 34' 03" West a distance of 200.24 feet to the place of beginning and containing 0.65819 acres of land which is 28670.0 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 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 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

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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 said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 15 day of March, A.D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney