

ORDINANCE NO. 935

Case No. 1462-73

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 DWELLING DISTRICT AND "LR" LOCAL RETAIL DISTRICT TO "A" APARTMENTS, SUBJECT TO: (1) DEDICATION OF SUFFICIENT ALLEY RIGHT-OF-WAY ADJACENT TO NORTHRIDGE ADDITION; (2) DELETION OF THE EXTENSION OF LEE STREET FROM THE DEVELOPMENT PLAN AT THIS TIME, BUT PROVISION BE MADE FOR THE FUTURE EXTENSION OF LEE STREET TO THE OVERPASS OF INTERSTATE HIGHWAY 635; (3) DESIGNATION OF A 200-FOOT WIDE GREEN AREA, THE ENTIRE LENGTH OF THE PROPERTY WITH THE PROVISION THAT IT SHALL ALWAYS REMAIN AN OPEN GREEN AREA; (4) SOLID FENCING BETWEEN THE GREEN AREA AND THE ALLEY; (5) DRAINAGE IMPROVEMENTS IN ACCORDANCE WITH ORDINANCE NO. 858; AND (6) A DENSITY NOT TO EXCEED SIXTEEN (16) UNITS PER ACRE; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND A PART OF THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, AND FURTHER 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 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 the 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:

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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 Dwelling District and "LR" Local Retail District to "A" Apartments, subject to the following provisions:

- (1) Dedication of sufficient right-of-way for a 20 foot alley adjacent to Northridge Addition;
- (2) Deletion of the extension of Lee Street from the Site Development Plan at this time, but provision be made for the future extension of Lee Street to the overpass of Interstate Highway 635, by the dedication of a sixty (60) foot right-of-way and the escrowing of funds for the new street construction;
- (3) Designation of a 200-foot wide green area, the entire length of the property with the provision that it shall always remain an open green area;
- (4) Solid fencing between the green area and the said alley;
- (5) Drainage improvements in accordance with Ordinance No. 858; and
- (6) A density not to exceed Sixteen (16) units per acre.

said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a part of the Daniel Tanner Survey, Abstrace No. 1462, Dallas County, Texas, and being described as follows:

BEGINNING at a point on the Southeast line of a 11.7 acre tract of land conveyed to W. D. Pardue by R. P. Stewart, Jr., as recorded in the Deed Records of Dallas County, Texas, and at the Northeast corner of an 8.3 acre tract of land conveyed to S. C. Whitely by James P. Moore, William S. Harris, and Ike Harris as recorded in the Deed Records of Dallas County, Texas, an iron rod in ground for corner;

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THENCE South  $56^{\circ} 30'$  West along the Northwesterly line of said Whitely tract and along a fence line a distance of 180.56 feet to an iron rod in ground for corner;

THENCE South  $47^{\circ} 37'$  West a distance of 49.23 feet to an iron rod in ground for corner;

THENCE North  $7^{\circ} 05'$  East along the Westerly line of said Pardue tract and the general line of a fence a distance of 626.16 feet to an iron rod in ground for corner;

THENCE North  $45^{\circ} 10'$  West along the Southwest line of a 39.7 acre tract of land conveyed by Walter C. Rowden, et al, to J. Henry Smith and wife, Charlene Owen Smith by Deed dated May 30, 1950, recorded in Volume 3321, page 347 of the Deed Records of Dallas County, Texas, and along a fence line a distance of 554.83 feet to an iron rod for corner in the Easterly line of Interstate Highway 635 as established by Right-of-Way Deed to the State of Texas by J. Henry Smith and wife, Charlene Owen Smith, dated October 29, 1965, recorded in Volume 736, page 1855 of the Deed Records of Dallas County, Texas;

THENCE North  $8^{\circ} 03'$  West with said Easterly line of Interstate Highway 635 a distance of 66.58 feet to an angle in said line an iron rod for corner;

THENCE North  $1^{\circ} 20' 30''$  West with said Easterly line of Interstate Highway 635 a distance of 90 feet to an angle point in said line, an iron rod;

THENCE North  $8^{\circ} 46' 30''$  East with the Easterly line of Interstate Highway 635 a distance of 217.60 feet to its intersection with the Northwest line of said Smith 39.7 acre tract;

THENCE North  $45^{\circ} 01' 30''$  East with the Northwest line of said Smith 39.7 acre tract and along a fence line a distance 1093.11 feet to the Southwest corner of a 2.142 acre tract conveyed by Comer Nelson, et al, to J. Henry Smith by Deed dated July 25, 1950, recorded in Volume 3348, page 576 of the Deed Records of Dallas County, Texas, an iron rod for corner;

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THENCE North  $89^{\circ} 26'$  East a distance of 129.41 feet to an iron rod for corner in the West line of Santa Maria Drive, a 60 foot Right-of-Way;

THENCE North  $0^{\circ} 20' 30''$  East along the said West line of Santa Maria Drive a distance of 8.52 feet to a point for corner;

THENCE South  $89^{\circ} 39' 30''$  East a distance of 210.00 feet to an iron rod for corner, said point also being in the West line of a 9.12 acre tract of land conveyed to Joe T. Dercks and wife, Ann Dercks by R. L. Casey and wife Bessie Casey by Deed dated January 27, 1959, recorded in the Deed Records of Dallas County, Texas;

THENCE North  $0^{\circ} 20' 30''$  East along the West line of said Dercks tract a distance of 359.87 feet to a Texas Highway Department Right-of-Way Monument for corner;

THENCE North  $86^{\circ} 43'$  East along the Southerly line of Interstate Highway 20 a distance of 318.30 feet to a Texas Highway Department Right-of-Way Monument for corner;

THENCE South  $0^{\circ} 20' 30''$  West along the East line of said Dercks tract a distance of 1073.5 feet to an iron rod in ground for corner;

THENCE South  $45^{\circ}$  East at 231.03 feet passing the Southwest end and terminus line of Rayburn Avenue, a total distance of 291.03 feet an angle iron in ground for corner;

THENCE South  $45^{\circ} 11'$  West along the Southeast line of said Pardue 11.7 acre tract and along a fence line a distance of 1609.00 feet to the point of BEGINNING and containing 48.2279 acres of land, with 1.1 acres located in the Right-of-Way of Santa Maria Drive.

SAVE AND EXCEPT Lots 1,2,3,4,5 and 6 of the Owen Smith Subdivision, an Addition to the City of Mesquite, Dallas County, Texas.

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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 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 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.

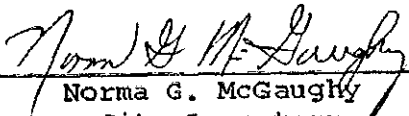
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DULY PASSED AND APPROVED by the City Council of the City of  
Mesquite, Texas, on the 19th day of April  
A.D., 1971.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney