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ORDINANCE NO. 990

Case #1028-5

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 TO "C" COMMERCIAL DISTRICT ON 38 ACRES AND "SP" SPECIAL PERMIT FOR TOWNHOUSES ON 18 ACRES OUT OF A 56 ACRE TRACT; STIPULATING THAT: (1) HILLCREST STREET BE EXTENDED NORTHWARD TO THE SERVICE ROAD OF HIGHWAY 80; (2) TOWNHOUSES ON THE EIGHTEEN ACRES BE LIMITED TO A DENSITY OF NOT MORE THAN EIGHT UNITS PER ACRE; AND (3) THE TOWNHOUSES BE INDIVIDUALLY SOLD AND THE OWNERSHIP TRANSFERRED BY FEE SIMPLE TITLE; SAID PROPERTY DESCRIBED IN THE CITY OF MESQUITE TAX RECORDS AS TRACT 2, ABSTRACT 337, OF THE CALDWELL SURVEY AND TRACTS 3 AND 4, ABSTRACT 1028, OF THE MC KINNEY AND WILLIAMS SURVEY OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS: BOTH TRACTS BEING 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 THAT THE FOREGOING ZONING IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND HEREIN 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:

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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 the following described property from "R-3" Single Family Dwelling District to "C" Commercial District on 38 acres and "SP" Special Permit for Townhouses on 18 acres out of a 56 acre tract; stipulating that:

- (1) Hillcrest Street be extended Northward to the Service Road on Highway 80;
- (2) Townhouses on the 18 acres be limited to a density of not more than eight (8) units per acre; and
- (3) The Townhouses be individually sold and the ownership transferred by Fee Simple Title;

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

All that certain tract or parcel of land located in the McKinney and Williams Survey, Abstract No. 1028 and the S. W. Caldwell Survey, Abstract No. 337, City of Mesquite, Dallas County, Texas, and being a part of those tracts conveyed by J. L. Hanby to O. C. Hanby by deed dated July 1, 1914, and recorded in Volume 1090, Page 603, Deed Records and being more fully described as follows:

TRACT I
"R-3" TO "C"

BEGINNING at an iron rod infence corner on the South line of U. S. Highway 80 and on the West line of the above said Hanby Tract, also on the common line of the said Caldwell and Henry Harter Surveys, and the Northeast corner of the Lula Dearman Tract;

THENCE South 76°, 37' East 1253.99 feet along the South line of U. S. Highway 80 to a Right-of-Way marker;

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THENCE South 74° 48' East 408.53 feet along said Highway to a Right-of-Way marker;

THENCE South 79° 33' East 154.1 feet along said Highway 80 to an iron rod for corner; also being the Northwest corner of a tract conveyed to Gulf Oil Corporation;

THENCE South 0° 28' East 141.60 feet to the iron rod set in concrete at Gulf's Southwest corner;

THENCE South 79° 33' East 253.97 feet to an iron rod set in concrete at Gulf's Southeast corner and on the West line of Belt Line Road;

THENCE South 0° 39' East 72.65 feet to an iron rod at the beginning of a curve;

THENCE 561.78 feet around said curve in a South-westerly direction whose tangent bears South 10° 12' West and whose central angle is 34° 48', radius is 924.93 feet, and tangent is 289.86 feet;

THENCE South 45° West 636.10 feet along the Northerly line of Range Road (60 feet wide) to corner;

THENCE North 45° 30' West, at 1522.37 feet pass the Southeasterly corner of Hillcrest Apartments, continue a total distance of 1838.31 feet to an iron rod at the common corner of the Harter, Caldwell and McKinney and Williams Surveys;

THENCE North 0° 05' West 336.88 feet to the place of beginning and containing 37.808 acres of land.

TRACT II

"R-3" TO "SP" SPECIAL PERMIT FOR TOWNHOUSES

BEGINNING at an iron rod in fence corner at the Southeasterly corner of Hillcrest Apartments and also the Southeasterly corner of the W. H. Rowe Survey;

THENCE South 45° 30' East 1522.37 feet to the Northerly line of Range Road, (60 feet wide);

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THENCE South 45° West 368 Feet with the Northerly line of Range Road to an iron rod for corner;

THENCE North 45° West 291.80 feet to an iron rod for corner;

THENCE South 45° West 200.33 feet to an iron rod in fence on the common line of O.C. Hanby and I.N. Range;

THENCE North 45° 04' West 1229.7 feet along the common line of said Hanby Tract and the I.N. Range 40 acre Tract to an iron rod on the Southeasterly line of the Jackson Manor Apartments and on the common line of the McKinney and Williams Survey and the W.H. Rowe Survey;

THENCE North 44° 55' East at 24.53 feet pass an iron rod at the common corner of the Jackson Manor Apartments and Hillcrest Apartments, continue a total distance of 556.96 feet to the place of beginning and containing 18.316 acres of land.

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.

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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.

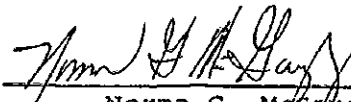
SECTION 7. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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.

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


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

CONFIDENTIAL

