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ORDINANCE NO. 992

Case #1362-8

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 PERMIT A CHANGE OF ZONING FROM "SP" SPECIAL PERMIT-TOWNHOUSES TO "R-3" SINGLE FAMILY DWELLING DISTRICT ON 99 ACRES, AND "A-1" MULTIPLE FAMILY DWELLING DISTRICT ON 25 ACRES, WITH THE STIPULATION THAT TOWNHOUSES BE LIMITED TO NOT MORE THAN 8 UNITS PER ACRE AND THAT ALL SINGLE FAMILY DWELLINGS HAVE A MINIMUM OF 1,300 SQUARE FEET; SAID PROPERTY BEING OUT OF TRACT 8, AND A PORTION OUT OF TRACT 3, SACKETT SURVEY, ABSTRACT 1362, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN SECTION 1; 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 "SP"

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Special Permit-Townhouses to "R-3" Single Family Dwelling District on 99 acres and "A-1" Multiple Family Dwelling District on 25 acres, with the stipulation that townhouses be limited to not more than 8 units per acre and that all single family dwellings have a minimum of 1,300 square feet; said property being in the City of Mesquite, Dallas County, Texas, and further described as follows:

TRACT I
"R-3"

BEING a tract of land situated in the T. D. Sackett Survey, Abstract No. 1362, City of Mesquite, Dallas County, Texas, said tract of land being owned by Braewood Building Company, a Joint Venture, and being more particularly described as follows:

BEGINNING at a point in the Northeasterly line of Motley Drive (an 80 foot Right-of-Way), said point being the South corner of Town East Estates No. 9, an Addition to the City of Mesquite, said point being the most Westerly corner of said Braewood Building Company Tract; a point for corner;

THENCE North 44° 30' East, with the Northwesterly line of said Braewood Building Company Tract, 2971.12 feet to a point in the Southwesterly line of a 10 foot alley located in Casa Ridge Heights No. 1, an Addition to the City of Mesquite; a point for corner;

THENCE South 45° 06' East, with the Southwesterly line of said Addition, 1543.96 feet to a point in the Southeasterly line of Emerald Drive (a 60 foot Right-of-Way at this location); a point for corner;

THENCE South 44° 56' West, with the Southeasterly line of said Emerald Drive, 90 feet to the beginning of a curve to the right, having a radius of 378.90 feet, a central angle of 19° 40' and a tangent bearing of 45° 06' East; a point for corner;

THENCE in a Southeasterly direction and along said curve, 130 feet to the end of said curve; a point for corner;

THENCE South 44° 56' West, 260 feet to a point for corner;

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THENCE South $23^{\circ} 56'$ West, 340 feet to a point for corner;

THENCE South $44^{\circ} 56'$ West, 910 feet to a point for corner;

THENCE South $29^{\circ} 56'$ West, 70 feet to a point for corner;

THENCE South $44^{\circ} 56'$ West, 90 feet to a point in the Southwesterly line of said Braewood Building Company Tract, said point being on a curve to the left, having a radius of 481.29 feet, a central angle of $26^{\circ} 25'$ and a tangent bearing of North $40^{\circ} 00'$ West; a point for corner;

THENCE in a Northwesterly direction and along said curve, 221.90 feet to the end of said curve; a point for corner;

THENCE North $66^{\circ} 25'$ West, 441.08 feet to the beginning of a curve to the right, having a radius of 834.75 feet and a central angle of $21^{\circ} 07'$; a point for corner;

THENCE in a Northwesterly direction and along said curve, 307.65 feet to the end of said curve; a point for corner;

THENCE North $45^{\circ} 18'$ West, 45.94 feet to a point for corner;

THENCE South $44^{\circ} 42'$ West, 12.33 feet to the beginning of a curve to the left, having a radius of 831.26 feet and a central angle of $19^{\circ} 04'$; a point for corner;

THENCE in a Southwesterly direction and along said curve, 276.62 feet to the end of said curve; a point for corner;

THENCE South $25^{\circ} 38'$ West, 322.82 feet to the beginning of a curve to the right, having a radius of 885.00 feet and a central angle of $19^{\circ} 35'$; a point for corner;

THENCE in a Southwesterly direction and along said curve, 302.49 feet to the end of said curve; a point for corner;

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THENCE South 45° 13' West, 71.38 feet to a point in the Northeasterly line of the aforementioned Motley Drive; a point for corner;

THENCE North 44° 49' West, with the Northeasterly line of said Motley Drive, 1027.08 feet to the place of beginning and containing approximately 99 acres of land.

TRACT II
"A-1"

BEING a tract of land situated in the T. D. Sackett Survey, Abstract No. 1362, City of Mesquite, Dallas County, Texas, said tract of land being owned by Braewood Building Company, a Joint Venture, and being more particularly described as follows:

BEGINNING at a Southerly corner of said Braewood Building Company Tract, said point being in the Northwesterly line of Town East Boulevard (a 100 foot Right-of-Way), said point also being the East corner of a 1.48 acre tract of land owned by Town East Baptist Church; a point for corner;

THENCE North 48° 48' West, with the Northeasterly line of said Church tract, 269.90 feet to the North corner of said Church tract; a point for corner;

THENCE South 45° 03' West, with the Northwesterly line of said Church tract 254.23 feet to the West corner of said Church tract; a point for corner;

THENCE North 44° 56' West, 25.00 feet to a point for corner;

THENCE North 27° 52' East, 210.19 feet to a point for corner;

THENCE North 53° 58' West, 19.31 feet to the beginning of a curve to the right having a radius of 846.00 feet and a central angle of 13° 58'; a point for corner;

THENCE in a Northwesterly direction and along said curve, 206.32 feet to the end of said curve; a point for corner;

THENCE North 40° 00' West, 301.71 feet to a point for corner;

THENCE North 44° 56' East, 90 feet to a point for corner;

THENCE North 29° 56' East, 70 feet to a point for corner;

THENCE North 44° 56' East, 910 feet to a point for corner;

THENCE North 23° 56' East, 340 feet to a point for corner;

THENCE North 44° 56' East, 260 feet to a point for corner, said point being in the Westerly line of a tract of land owned by Dallas Area Association of Christian Churches, said point also being on a curve to the right, having a radius of 378.90 feet, a central angle of 12° 44' and a tangent bearing of South 25° 23' East; a point for corner;

THENCE in a Southeasterly direction and along said curve, 84.26 feet to the end of said curve; a point for corner;

THENCE South 12° 39' East, with the property line of said Church tract, 633.75 feet to the beginning of a curve to the left, having a radius of 479.80 feet and a central angle of 32° 32'; a point for corner;

THENCE in a Southeasterly direction with the property line of said Church tract and along said curve, 272.44 feet to the end of said curve, a point for corner;

THENCE South 44° 58' East, 90.00 feet to a point in the Northwesterly line of the aforementioned Town East Boulevard; a point for corner;

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THENCE South 44° 49' West, with the Northwesterly line of said Town East Boulevard 533.51 feet to the beginning of a curve to the left, having a radius of 1738.41 feet and a central angle of 10° 25'; a point for corner;

THENCE in a Southwesterly direction with the Northwesterly line of said Town East Boulevard and along said curve, 316.05 feet to the end of said curve; a point for corner;

THENCE South 34° 24' West, with the Northwesterly line of said Town East Boulevard 136.62 feet to the beginning of a curve to the right, having a radius of 1179.07 feet and a central angle of 8° 05' 47"; a point for corner,

THENCE in a Southwesterly direction with the Northwesterly line of said Town East Boulevard, and along said curve, 166.61 feet to the place of beginning and containing approximately 25 acres of land, not including that portion which falls within a 30 foot Wide Drainage Easement.

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 tracts 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

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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.

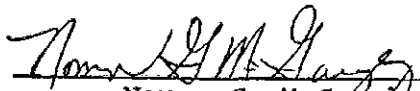
SECTION 7. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation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

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


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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