

Case #1461-30

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-1" SINGLE FAMILY DWELLING DISTRICT TO A SPECIAL PERMIT FOR "A-1" TOWNHOUSES ONLY, ON APPROXIMATELY 32.3 ACRES AND "LR" LOCAL RETAIL DISTRICT ON APPROXIMATELY 4.47 ACRES, AS SET OUT IN APPLICATION #1461-30, WITH THE FOLLOWING STIPULATIONS: (1) THAT A SWIMMING POOL-RECREATION COMPLEX BE PROVIDED IN AND FOR USAGE OF THE RESIDENTS OF THE DEVELOPMENT; (2) THAT THE HOMEOWNERS ASSOCIATION AGREEMENT HAVE PRIOR APPROVAL BY THE CITY STAFF; (3) THAT THE TOWNHOUSES BE INDIVIDUALLY SOLD AND OWNERSHIP TRANSFERRED BY FEE SIMPLE TITLE; (4) THAT NEEDED RIGHT-OF-WAY FOR THE WIDENING OF OATES DRIVE BE DEDICATED; AND (5) THAT ALL NECESSARY RIGHT-OF-WAY BE DEDICATED FOR FUTURE STREET IMPROVEMENTS; SAID PROPERTY BEING KNOWN AS TRACTS 5 AND 6, SHEET 5, ABSTRACT 1461, THOMAS SURVEY, CITY OF MESQUITE TAX RECORDS, AND 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:

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 Tracts 5 and 6, Sheet 5, Abstract 1461, Thomas Survey, City of Mesquite Tax Records, from "R-1" Single Family Dwelling District to a Special Permit for "A-1", Townhouses only, on Approximately 32.3 acres and "LR" Local Retail District on approximately 4.47 acres, as set out in application #1461-30, with the following stipulations, numbers (1), (2) and (3) applicable to the Townhouse Tract only, (4) and (5) applicable to both tracts:

- (1) That a swimming pool-recreation complex be provided in and for usage of the residents of the development;
- (2) That the Homeowners Association Agreement have prior approval by the City Staff;
- (3) That the townhouses be individually sold and ownership transferred by fee simple title;
- (4) That needed right-of-way for widening of Oates Drive be dedicated; and
- (5) That all necessary right-of-way be dedicated for future street improvements.

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

TRACT I
"A-1" Townhouses

BEING part of a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Dallas County, Texas, and being part of a 24.0 acre tract of land, conveyed to Cleo Murray and Frank McGaughy by J. D. McGaughy, as recorded in Volume 5728, page 640, Dallas County Deed Records, and being part of a 19.734 acre tract of land, conveyed to Cleo Murray and Frank McGaughy by J. D. McGaughy, as recorded in Volume 68227, page 0299, Dallas County Deed Records, and also being all of a 2.166 acre tract of land conveyed to Cleo Murray and Frank McGaughy by J. D. McGaughy, as recorded in Volume 68227, page 0297, Dallas County Deed Records, and being more particularly described as follows:

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BEGINNING at the intersection of the North Right-of-Way line of Oates Drive with the East Right-of-Way line of Groves Road; thence North 44° 59' West along the East Right-of-Way line of Groves Road, a distance of 375 feet to the point of beginning;

THENCE, continuing Northerly the East Right-of-Way line of Groves Road a distance of 961.61 feet to a point for corner;

THENCE, North 45° 01' East a distance of 1190 feet, more or less to a point in the City Limits of Mesquite;

THENCE Southerly along the City Limits of Mesquite to the North Right-of-Way line of Oates Drive;

THENCE, South 45° 0' West along the North Right-of-Way of Oates Drive, a distance of 670 feet, more or less, to a point for corner;

THENCE, North 44° 59' West, a distance of 375 feet to a point for corner;

THENCE, South 45° 0' West, a distance of 520 feet to the Point of Beginning, and containing approximately 30.5 acres.

TRACT II
"LR" LOCAL RETAIL

BEING part of a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Dallas County, Texas, said tract being a 19.734 acre tract of land, conveyed to Cleo Murray and Frank McGaughy by J. D. McGaughy, as recorded in Volume 68227, page 0299, Dallas County Deed Records and being more particularly described as follows:

BEGINNING at the intersection of the North right-of-way line of Oates Drive with the East Right-of-Way line of Groves Road;

THENCE, North 44° 59' West along the East Right-of-Way line of Groves Road a distance of 375 feet to a point for corner;

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THENCE, North 45° 0' East a distance of 520 feet to a point for corner;

THENCE South 44° 59' East a distance of 375 feet to a point in the North Right-of-Way line of Oates Drive;

THENCE, South 45° 0' West along the North Right-of-Way of Oates Drive, a distance of 520 feet to the place of beginning, and containing approximately 4.47 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 property described above 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.

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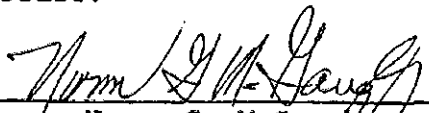
SECTION 7. Whereas, the property described above requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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 20th day of December, A.D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

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