

ORDINANCE NO. 1009

Case 1461-31

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-2" SINGLE FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL ON TRACT I, SIX ACRES OF LAND, WITH THE STIPULATION THAT THE SCREENING BETWEEN THE LOCAL RETAIL AND RESIDENTIAL AREAS BE OF MASONRY CONSTRUCTION AND AT LEAST SIX FEET IN HEIGHT; AND FROM "R-2" SINGLE FAMILY DWELLING DISTRICT TO "R-3" SINGLE FAMILY DWELLING DISTRICT ON TRACT III, THIRTY-SIX ACRES OF LAND, WITH THE STIPULATIONS THAT (1) KARLA DRIVE, WITH A WIDTH OF 37-FEET, BE EXTENDED THROUGH TO BARNES BRIDGE ROAD, AND THAT ADDITIONAL RIGHT-OF-WAY BE DEDICATED AS NEEDED FOR WIDENING OF BARNES BRIDGE ROAD; AND (2) ALL HOUSES MUST BE 1,500 SQUARE FEET OR MORE; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART 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 CHANGE IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED 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 property described in Exhibit "A", as attached hereto and made a part of this ordinance, from "R-2" Single Family Dwelling District to "LR" Local Retail on Tract I, six acres of land, with the stipulation that the screening between the Local Retail and Residential areas be of masonry construction and at least six feet in height; and from "R-2" Single Family Dwelling District to "R-3" Single Family Dwelling District on Tract III, 36 acres of land, with the stipulations that:

- (1) Karla Drive, with a width of 37-feet, be extended through to Barnes Bridge Road, and that additional right-of-way be dedicated as needed for widening of Barnes Bridge Road from Oates Road to La Prada Drive along the entire length of the Stallcup tract; and
- (2) All houses must be 1,500 square feet or more;

said property being in the City of Mesquite, Dallas County, Texas, and further described in Exhibit "A".

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 in Exhibit "A" 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.

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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.

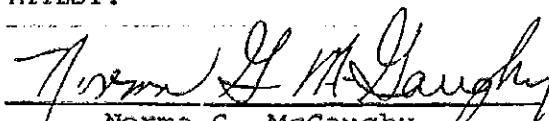
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. Whereas, the property described in Exhibit "A" 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 said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 21st day of February, A.D., 1972.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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Exhibit "A"

EXHIBIT "A"

BEING two tracts of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being part of the B. M. Stallcup property as heired by Ann Stallcup and conveyed to Ann Stallcup, Trustee by D. R. Rice as recorded in Volume 69077, Page 1565, Dallas County Deed Records, said tract of land being more particularly described as follows:

TRACT I
"R-2" to "LR"

BEGINNING at the west corner of the intersection of Oates Road (a 100 foot Right-of-Way) and Barnes Bridge Road (an 80 foot Right-of-Way), said point being the present East corner of said Stallcup property; an iron stake set for corner;

THENCE South 44° 43' West, with the Northwesterly line of said Oates Road, 512.22 feet to an iron stake set for corner;

THENCE North 45° 27' West, 530.30 feet to an iron stake set for corner;

THENCE North 44° 43' East, 513.14 feet to a point in the Southwesterly line of the aforementioned Barnes Bridge Road; an iron stake set for corner;

THENCE South 45° 23' East, with the Southwesterly line of said Barnes Bridge Road, 530.30 feet to the place of beginning and containing 6.24 acres of land.

TRACT III
"R-2" to "R-3"

COMMENCING at the west corner of the intersection of Oates Road (a 100 foot Right-of-Way) and Barnes Bridge Road (an 80 foot Right-of-Way), said point being the present East corner of said Stallcup property; THENCE South 44° 43' West, with the Northwesterly line of said Oates Road, 512.52 feet to the place of beginning of Tract No. 3; an iron stake set for corner;

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Exhibit "A"

THENCE South $44^{\circ} 43'$ West, and continuing along the Northwesterly line of said Oates Road, 306.00 feet to the South corner of said Stallcup property; an iron stake set for corner;

THENCE North $45^{\circ} 27'$ West, with the Southwesterly line of said Stallcup property, 2678.87 feet to the West corner of said Stallcup property; an iron stake set for corner;

THENCE North $44^{\circ} 37'$ East, along the Northwesterly line of said Stallcup property, 762.97 feet to a point in the Southerly line of the aforementioned Barnes Bridge Road, said point being on a curve to the right, having a radius of 380.96 feet and a central angle of $30^{\circ} 14'$ and a tangent bearing of North $75^{\circ} 54'$ East; an iron stake set for corner;

THENCE in an Easterly, and Southeasterly direction with the Right-of-Way line of Barnes Bridge Road and along said curve, 201.02 feet to the end of said curve; an iron stake set for corner;

THENCE South $45^{\circ} 40'$ East, with the Southwesterly line of Barnes Bridge Road, 1179.21 feet to an iron stake set for corner;

THENCE South $45^{\circ} 23'$ East, and continuing along the Southwesterly line of said Barnes Bridge Road, 73.09 feet to an iron stake set for corner;

THENCE South $44^{\circ} 43'$ West, 513.96 feet to an iron stake set for corner;

THENCE South $45^{\circ} 27'$ East, 1236.30 feet to the place of beginning and containing 35.71 acres of land.

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