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ORDINANCE NO. 1029

CASE 967-1

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 "R-3" SINGLE FAMILY DWELLING DISTRICT ON TRACT 17, ABSTRACT 967, MC DANIEL SURVEY, SUBJECT TO THE FOLLOWING STIPULATIONS: (1) THAT 30% OF THE LOTS SHALL BE DEVELOPED WITH HOUSES OF 1,300 SQUARE FEET OR MORE, AND (2) THAT EXISTING KEARNEY STREET BE EXTENDED FROM ITS PRESENT TERMINATION POINT EASTERLY TO CONNECT WITH LONG CREEK ROAD; 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:

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

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attached hereto and made a part of this ordinance, from "R-1" Single Family Dwelling District to "R-3" Single Family Dwelling District, with the following stipulations:

- (1) That 30% of the lots shall be developed with houses 1,300 square feet or more, and
- (2) That existing Kearney Street be extended from its present termination point easterly to connect with Long Creek Road;

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.

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.

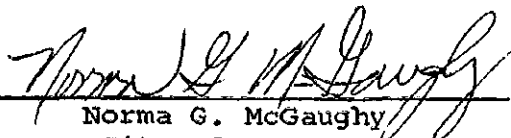
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SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, 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 1 day of May, A. D., 1972.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

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EXHIBIT "A"

"R-1" TO "R-3"

BEING a tract of land situated in the Robert Bethurum Survey, Abstract No. 170, and the John McDaniel Survey, Abstract No. 967, Dallas County, Texas, and being part of a tract of land as deeded to Mrs. Lou Lawrence, widow of S. D. Lawrence, as recorded in Volume "L", at page 602, 101st District Court Minutes, and being more particularly described as follows:

COMMENCING at a point on the West line of Long Creek Road, said point being North  $0^{\circ} 09'$  East, a distance of 494.45 feet from the point of intersection of the said West line of Long Creek Road, with the North line of Kimbrough Street, an iron stake for corner; THENCE, South  $89^{\circ} 24'$  West, a distance of 211.68 feet to the PLACE OF BEGINNING, an iron stake for corner;

THENCE, South  $89^{\circ} 24'$  West, a distance of 600.00 feet to a point for corner;

THENCE, North  $0^{\circ} 19'$  East, a distance of 2,109.36 feet to a point for corner;

THENCE, North  $89^{\circ} 45'$  East, a distance of 91.34 feet to an iron stake for corner;

THENCE, North  $0^{\circ} 38'$  West, a distance of 762.04 feet to an iron stake for corner;

THENCE, North  $86^{\circ} 47'$  East, along the City of Dallas Park Board South line, a distance of 522.21 feet to an iron stake for corner;

THENCE, South  $0^{\circ} 19'$  West, a distance of 2,894.78 feet to the PLACE OF BEGINNING and containing 38.195 acres of land.