

ORDINANCE NO. 1036

CASE 1461-33

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 "R-3" SINGLE FAMILY DWELLING DISTRICT ON PART OF TRACT 5, SHEET 2, ABSTRACT 1461, OF THE T. THOMAS SURVEY OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, WITH THE STIPULATIONS THAT;

- (1) ALL HOUSES BE 1,500 SQUARE FEET OR MORE; AND
- (2) THAT THE DEVELOPER FURNISH TO THE CITY OF MESQUITE A LETTER AGREEING TO THE CONSTRUCTION OF BARNES BRIDGE ROAD IN ACCORDANCE WITH CURRENT CITY OF MESQUITE PAVING POLICY; SAID PROPERTY IS 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

ORDINANCE/PAGE 2
CASE 1461-33

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 "R-3" Single Family Dwelling District with the following stipulations:

- (1) That all houses be 1,500 square feet or more; and
- (2) That the developer furnish to the City of Mesquite a letter agreeing to the construction of Barnes Bridge Road in accordance with current City of Mesquite paving policy.

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.

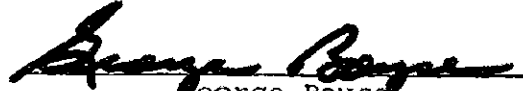
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided 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.


ORDINANCE/PAGE 3
CASE 1461-33

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 AND APPROVED by the City Council of the City of Mesquite, Texas, on the 22 day of May, A.D., 1972.


George Boyce
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"

"R-2" TO "R-3"
CASE 1461-33

BEING a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being part of the remaining 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:

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 North $45^{\circ} 23'$ West, with the Southwesterly line of said Barnes Bridge Road, 530.30 feet to the place of beginning of Tract No. 2; an iron stake set for corner;

THENCE South $44^{\circ} 43'$ West, 513.14 feet to an iron stake set for corner;

THENCE North $45^{\circ} 27'$ West, 706.00 feet to an iron stake set for corner;

THENCE North $44^{\circ} 43'$ East, 513.96 feet to a point in the Southwesterly line of the aforementioned Barnes Bridge Road; an iron stake set for corner;

THENCE South $45^{\circ} 23'$ East, with the Southwesterly line of said Barnes Bridge Road, 706.00 feet to the place of beginning and containing 8.32 acres of land, less .32 acre of land dedicated to the City of Mesquite for the widening of Barnes Bridge Road.