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ORDINANCE NO. 1086

CASE 1353-4

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; (1) TRACT I (22 ACRES LOCATED BETWEEN SCYENE ROAD AND THE DAVIS STREET EXTENSION) TO BE "A-1" APARTMENTS; (2) TRACT II (9 ACRES LOCATED BETWEEN THE HOSPITAL SITE AND NEWSOM ROAD) TO BE "R-3" RESIDENTIAL WITH HOUSES HAVING A MINIMUM OF 1,400 SQUARE FEET; (3) TRACT III (13.57 ACRES LOCATED IMMEDIATELY EAST OF AND ADJACENT TO THE HOSPITAL SITE) TO BE "A-1" TOWNHOUSES; (4) TRACT IV (10.43 ACRES LOCATED BETWEEN NEWSOM ROAD AND THE "A-1" TOWNHOUSES) TO BE "R-3" RESIDENTIAL WITH HOUSES HAVING A MINIMUM OF 1,400 SQUARE FEET; WITH THE PROVISION THAT VEHICULAR ACCESS FROM NEWSOM ROAD BE ALLOWED INTO THE RESIDENTIAL AND TOWNHOUSE AREAS LOCATED EAST OF THE HOSPITAL SITE ONLY, BASED ON AN ACCEPTABLE SITE PLAN; AND THAT 10 FEET OF RIGHT-OF-WAY BE DEDICATED FOR THE IMPROVEMENT OF NEWSOM ROAD; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING 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.

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ORDINANCE/PAGE 2
CASE 1353-4

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 from "R-1" Single Family Dwelling District to:

- (1) Tract I (22 acres located between Scyene Road and the Davis Street Extension) to be "A-1" Apartments;
- (2) Tract II (9 acres located between the hospital site and Newsom Road) to be "R-3" Residential with the houses having a minimum of 1,400 square feet;
- (3) Tract III (13.57 acres located immediately East of and adjacent to the hospital site) to be "A-1" Townhouses; and
- (4) Tract IV (10.43 acres located between Newsom Road and the "A-1" Townhouses) to be "R-3" Residential with houses having a minimum of 1,400 square feet;

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ORDINANCE/PAGE 3
CASE 1353-4

With the provision that vehicular access from Newsom Road be allowed into the Residential and Townhouse areas located East of the Hospital site only, based on an acceptable site plan; and that 10 feet of right-of-way be dedicated for the improvement of Newsom Road; said property being in the City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this ordinance.

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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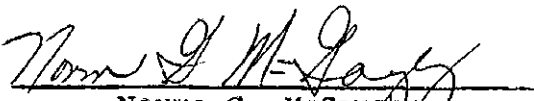
ORDINANCE/PAGE 4
CASE 1353-4

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 4 day of December, 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" CONTINUED

CASE 1353-4

TRACTS II AND IV

"R-3"

BEING part of the Thomas Scott Survey, Abstract No. 1353, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Southwest corner of the 70.867 acre tract conveyed to Royal Land and Development Company, Inc., by deed dated September 7, 1971, said corner being on the North line of Newsome Road;

THENCE North a distance of 410.0 feet, a point for corner;

THENCE North $89^{\circ} 01' 37''$ East, a distance of 1972.56 feet, a point for corner; being in the East line of said 70.867 acre tract;

THENCE South $7^{\circ} 12' 00''$ West, a distance of 422.11 feet to the Southeast corner of said 70.867 acre tract being on the North line of Newsome Road;

THENCE Westerly along said North line of Newsome Road as follows:

1st South $89^{\circ} 58' 00''$ West, a distance of 480.38 feet;

2nd South $89^{\circ} 01' 37''$ West, a distance of 1439.20 feet to the place of beginning containing 18.363 acres.

EXHIBIT "A" CONTINUED

CASE 1353-4

TRACT III

"A-1"

BEING part of the Thomas Scott Survey, Abstract No. 1353, Dallas County, Texas, and described as follows:

BEGINNING at the Southeast corner of Tract I hereinabove described, being a point on the West line of the Texas Power and Light Company Transmission line easement, South $07^{\circ} 12' 00''$ West, 377.01 feet from the Southerly line of Scyene Road;

THENCE South $7^{\circ} 12' 00''$ West, along said Texas Power and Light Company easement 656.72 feet;

THENCE South $89^{\circ} 01' 37''$ West, 975.56 feet;

THENCE North, 650.14 feet to a point on the South line of Tract I hereinabove described;

THENCE North $89^{\circ} 01' 37''$ East, 1057.88 feet to the point of beginning and containing 15.172 acres of land.

EXHIBIT "A"

CASE 1353-4

TRACT I

"A-1"

BEING part of the Thomas Scott Survey, Abstract No. 1353, Dallas County, Texas, and described as follows:

BEGINNING at the point of intersection of the Southeast line of State Highway 352 with the Southerly line of Scyene Road;

THENCE in a Southeasterly direction, along the Southerly line of Scyene Road as follows:

1st South 83° 34' 00" East, 1319.89 feet;

2nd South 06° 26' 00" West, 30.0 feet;

3rd South 83° 34' 00" East, 225.0 feet to its intersection with the West line of the Texas Power and Light Company Transmission line Easement;

THENCE South 7° 12' 00" West, along said Texas Power and Light Company Easement, 377.01 feet;

THENCE South 89° 01' 37" West, 1814.75 feet;

THENCE North 73° 46' 21" West, 250.0 feet;

THENCE North 194.0 feet to a point in the Southeast line of State Highway 352;

THENCE in a Northeasterly direction, along the Southeast line of Highway 352 as follows:

1st Northeasterly around a curve to the left that has a central angle of 41° 04' 12", a Radius of 850.0 feet and a tangent of 318.39 feet; for a distance of 609.28 feet;

2nd North 40° 34' 20" East, 73.41 feet to the point of beginning and containing 22.141 Acres of land.

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