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ORDINANCE NO. 1101

CASE 1397-14

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 CHANGES OF ZONING FROM "A-1" MULTI-FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL DISTRICT ON APPROXIMATELY 3.2 ACRES OF LAND AND FROM "R-3" SINGLE FAMILY DWELLING DISTRICT TO "A-1" TOWNHOUSES ON APPROXIMATELY 19.93 ACRES OF LAND; EXCLUDING ANY RIGHT-OF-WAY FOR NEW BELT LINE ROAD; SUBJECT TO PRIOR APPROVAL BY THE CITY STAFF OF A HOMEOWNERS ASSOCIATION AGREEMENT; AND WITH THE STIPULATION THAT THE TOWNHOUSES BE SOLD ON A FEE SIMPLE TITLE BASIS; SAID PROPERTY BEING A PORTION OF TRACT 32, SHEET 2, ABSTRACT 1397, SWING SURVEY, AND A PORTION OF TRACT 19, SHEET 3, ABSTRACT 170, BETHURUM SURVEY, 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.

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

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ORDINANCE/PAGE 2  
CASE 1397-14

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 changes of zoning from "A-1" Multi-Family Dwelling District to "LR" Local Retail District on approximately 3.2 acres of land and from "R-3" Single Family Dwelling District to "A-1" Townhouses on approximately 19.93 acres of land; excluding any right-of-way for new Belt Line Road; subject to prior approval by the City Staff of a Homeowners Association Agreement; and with the stipulation that the townhouses be sold on a fee simple title basis; said property being a portion of Tract 32, Sheet 2, Abstract 1397, Swing Survey, and a portion of Tract 19, Sheet 3, Abstract 170, Bethurum Survey, 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.

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ORDINANCE/PAGE 3  
CASE 1397-14

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.

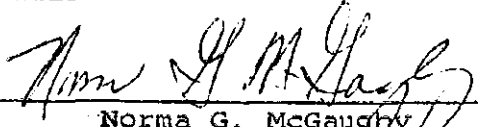
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964, of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred 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 AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5 day of March, A.D., 1973.

  
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"  
"A-1" to "LR"

CASE 1397-14

BEING a tract of land located in the Robert Bethurum Survey, Abstract No. 170 and the M.L. Swing Survey, Abstract No. 1397, City of Mesquite, Dallas County, Texas, and being part of a 39.82 acre tract of land conveyed to Platter Investment Company by Mecco, Inc., a Texas Corporation and George M. Underwood, Jr., as recorded in Volume 69004, Page 2553, Dallas County Deed Records, and being more fully described as follows:

BEGINNING on the south line of Bryan St. as recorded in Volume 890, Page 0153 Deed Records, Dallas County, Texas, and S 66 deg. 48 min. E 13.88 ft. from the east line of Existing Belt Line Road, said corner being on the east line of the proposed New Belt Line Road;

THENCE S 66 deg. 48 min. E 256.12 ft. to the beginning of a curve to the right, having a radius of 120 ft. and a central angle of 90 deg. 00 min. to a corner;

THENCE in a southeasterly, easterly, and southwesterly direction and along said curve, 188.50 ft. to the end of said curve;

THENCE S 23 deg. 12 min. W 333 ft. to a corner in the northerly line of a 4.11 acre tract of land owned by Ruth L. Hanby;

THENCE S 66 deg. 48 min. W 233.81 ft. with the northerly line of said Hanby tract, to a corner in the east line of the proposed New Belt Line Road;

THENCE N 0 deg. 17 min. W 102.82 ft. with the easterly line of the proposed New Belt Line Road to the beginning of a curve to the right, having a radius of 1393.36 ft. and a central angle of 15 deg. 23 min. to a corner;

THENCE northeasterly along said curve 374.10 ft. to the Place of Beginning and containing 3.231 acres of land.

Save and except, however, that area of land shown on the attached drawing as proposed Belt Line Road as such land may be finally acquired and recorded as County and/or State Right of Way for said Belt Line Road.

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EXHIBIT "A"  
"R-3" to "A-1"

CASE 1397-14

BEING a tract of land located in the Robert Bethurum Survey, and being a part of a 39.82 acre tract of land conveyed to Platter Investment Company by Mecco, Inc., a Texas Corporation and George M. Underwood, Jr., as recorded in Volume 69004, Page 2553, Dallas County Deed Records, and being more fully described as follows:

BEGINNING at the most easterly, northeasterly corner of said Platter Investment Company tract, also being in a southerly line of a tract of land owned by the City of Dallas Park Department, and being N 89 deg. 28 min. E 361.66 ft. from the southwest corner of the C. Vernoy Survey, Abst. No. 1512;

THENCE S 0 deg. 46 min. E with an east line of said Platter Investment Company tract, 738.23 ft. to the southeast corner of said tract;

THENCE S 89 deg. 35 min. W, with the south line of said Platter Investment Company tract, 1222.78 ft. for corner;

THENCE N 0 deg. 25 min. W 170.77 ft. to a corner on the east line of Bryan Street, dedicated in Volume 890, Page 0153, Deed Records Dallas County, Texas;

THENCE N 23 deg. 12 min. E, with the east line of said street 617.15 ft. for corner;

THENCE N 89 deg. 28 min. E 971.03 ft. to the Place of Beginning and containing 19.046 acres of land.

Save and except, however, that area of land shown on the attached drawing as proposed Belt Line Road as such land may be finally acquired and recorded as County and/or State Right of Way for said Belt Line Road.

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