

ORDINANCE NO. 1110

CASES 1462-88
AND 1462-85

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 SPECIAL PERMIT FOR A PLANNED DEVELOPMENT SUBJECT TO THE APPROVAL OF A DEVELOPMENT PLAN FOR THE AREA BY THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; SAID DEVELOPMENT PLAN TO INCLUDE LAND USES, DENSITY, LOCATION OF STRUCTURES, TYPE OF CONSTRUCTION AND TRAFFIC FLOW, INCLUDING THE EXTENSION OF NORTH PARKWAY BACK TO FORNEY ROAD AT NO COST TO THE CAROLINE HUNT ESTATE; THE TWO TRACTS ZONED HEREIN, IN ADDITION TO SUCH OTHER LAND AS MAY BE REQUIRED, SHALL BE DEVELOPED AS A UNIT; TRACT I (1462-88) BEING APPROXIMATELY 20 ACRES OF TRACT 1, ABSTRACT #1462, DANIEL TANNER SURVEY, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; TRACT II (1462-85) BEING APPROXIMATELY 4 ACRES ON TRACT 27, DANIEL TANNER SURVEY, ABSTRACT #1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "B" 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

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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 for a Special Permit for a planned development subject to the approval of a development Plan for the area by the Planning and Zoning Commission and the City Council; said development plan to include land uses, density, location of structures, type of construction and traffic flow, including the extension of North Parkway back to Forney Road, at no cost to the Caroline Hunt Trust Estate.

The two tracts zoned herein in addition to such other land as may be required, shall be developed as a unit; Tract I (1462-88) being approximately 20 acres of Tract 1, Abstract 1462, Daniel Tanner Survey, City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this Ordinance; Tract II (1462-85) being approximately 4 acres on Tract 27, Daniel Tanner Survey, Abstract #1462, City of Mesquite, Dallas County, Texas, and being further described in Exhibit "B" 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.

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SECTION 3. That the property described in Exhibits "A" and "B" 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.

SECTION 7. Whereas, the property described in Exhibits "A" and "B" require that they be given the above zoning classification in order to permit their 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.

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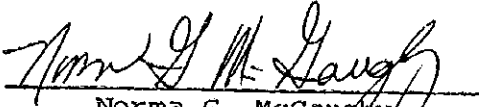
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DULY PASSED AND APPROVED by the City Council of the City
of Mesquite, Texas, on the 7 day of May , A.D., 1973.




Bob Beard
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney

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EXHIBIT "A"
CASE 1462-88

Being a tract of land located in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being a part of the same tract conveyed by Frank Nick to Thespina Virginia Lucas on July 23, 1947, and recorded in Volume 2854, Page 239 and being more fully described as follows:

BEGINNING at an iron pipe at Lucas' Northeast corner on the South line of U. S. Highway 80 and on the Northeast line of said Lucas tract, also being the Northwest corner of Jeff Maxwell 4 acre tract;

THENCE South $44^{\circ} 50'$ East 1186.64 feet along common Lucas and Maxwell line to a concrete monument on the Northwest line of a 125 foot wide Dallas Power and Light Company Right-of-Way, also being North $44^{\circ} 50'$ West 125 feet from the East corner of the said Lucas tract;

THENCE South $45^{\circ} 11'$ West 620 feet along said Dallas Power and Light Right-of-Way to a concrete monument on Lucas' Southwest line;

THENCE North $44^{\circ} 50'$ West 1796.09 feet along Lucas' line to an iron rod on the South line of U. S. Highway 80;

THENCE North $89^{\circ} 41'$ East 869.51 feet along U. S. Highway 80 to the Place of Beginning and containing 21.226 acres of land.

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EXHIBIT "B"
CASE 1462-85

Being a tract of land situated in Dallas County, Texas, out of the Daniel Tanner Survey, Abstract No. 1462, Sheet No. 2, and a part of Block 12 of said Survey, and being more particularly described as follows:

BEGINNING AT a stake at the Northeast corner of the Nick property on the Service Road of Highway 80;

THENCE 294.75 feet East along the service road of Highway 80 to a stake for corner;

THENCE 737.38 feet in a Southeasterly direction to a stake for corner;

THENCE 210.51 feet in a Southwesterly direction to the fence line of the Nick property;

THENCE 932.13 feet along the fence line of the Nick property to the Place of Beginning, and being approximately four acres of land, more or less.