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ORDINANCE NO. 1153

CASE 1462-94

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM "R-3" SINGLE FAMILY RESIDENTIAL TO A PLANNED DEVELOPMENT CLASSIFICATION, WITH THE STIPULATION THAT PROVISION BE MADE FOR THE EXTENSION OF NORTH PARKWAY ALL THE WAY TO FORNEY ROAD INCLUDING CONSTRUCTION AND DEDICATION OF ANY NEEDED RIGHT-OF-WAY, AS WELL AS ANY OTHER NEEDED RIGHTS-OF-WAY, AND THAT A DEVELOPMENT PLAN BE PRESENTED TO THE CITY STAFF AND PLANNING AND ZONING COMMISSION AND APPROVED BY THE CITY COUNCIL AS REQUIRED BY THE CITY ZONING ORDINANCE, ON ALL OF TRACT 9, SHEET 13D, ABSTRACT 1462, DANIEL TANNER SURVEY, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID PROPERTY 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 1973 ZONING ORDINANCE NOT IN CONFLICT HEREWITH; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1973 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 and Zoning 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

80092

ORDINANCE/PAGE 2  
CASE 1462-94

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 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, 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-3" Single Family Residential to a Planned Development Classification, with the stipulation that provision be made for the extension of North Parkway all the way to Forney Road including construction and dedication of any needed right-of-way, as well as any other needed rights-of-way, and that a development plan be presented to the City staff and Planning and Zoning Commission and approved by the City Council as required by the City Zoning Ordinance, on all of Tract 9, Sheet 13D, Abstract 1462, Daniel Tanner Survey, City of Mesquite, Dallas County, Texas, said property 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 1973.

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 1461-38

SECTION 5. That should any paragraph, sentence, sub-division, 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 1973, 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 1st day of October , A.D., 1973.

*Bob Beard*

Bob Beard  
Mayor

ATTEST:

APPROVED AS TO FORM:

*Sue Frost*  
Sue Frost  
Acting City Secretary

Elland Archer  
City Attorney

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EXHIBIT "A"

CASE 1462-94

BEING three tracts of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being part of the Thomas Davis land lying South of U. S. Highway 80 and East of Forney Road as described in Dallas County Deed Records, Volume 660, Page 348 and Volume 662, Page 202, Dallas County Deed Records, said three tracts of land being more particularly described as follows:

Tract No. 1

BEGINNING at a point on the South line of U. S. Highway 80 (a 300 foot Right-of-Way), said point being the Northeast corner of a 4 acre tract owned by Jeff D. Maxwell, said point also being the most westerly corner of the remaining said Davis tract of land, an iron stake set for corner;

THENCE South 89° 57' East with the South line of U. S. Highway 80, 598.84 feet to the West corner of a 2.329 acre tract conveyed to Sybil W. Davis by Clifton Thomas Davis, et al, as recorded in Volume 5449, Page 236, Dallas County Deed Records, an iron stake set for corner;

THENCE South 34° 33' East with the Westerly line of Sybil W. Davis tract, 351.05 feet to an iron stake set for corner; said point being the southwest corner of the said Sybil W. Davis tract;

THENCE South 89° 57' East with the South line of said Sybil W. Davis tract, 357.0 feet to the Southeast corner of said Sybil W. Davis tract, said point being on the Northwesterly line of a 3.84 acre tract owned by the Dallas Power and Light Company, an iron stake set for corner;

THENCE South 50° 31' West with the Northwesterly line of said Dallas Power and Light Company tract, 419.74 feet to an iron stake set for corner;

AL 111  
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EXHIBIT "A"/PAGE 2  
CASE 1462-94

THENCE South 45° 28' West with the Northwesterly line of said Dallas Power and Light Company tract, 412.57 feet to a point on the Southwesterly line of said Davis tract, said point being on the Northeasterly line of the Virginia Nick tract, Right-of-Way marker found in place for corner;

THENCE North 44° 28' West with the joint property line of the Davis and Nick properties, 254.35 feet to the South corner of the aforementioned Jeff D. Maxwell 4 acre tract, an iron stake set for corner;

THENCE North 48° 46' East with the Southeasterly line of said Maxwell tract, 208.75 feet to the East corner of said Maxwell tract, an iron stake set for corner;

THENCE North 44° 22' West with the joint property line of said Maxwell and Davis tracts, 737.38 feet to the PLACE OF BEGINNING AND containing 8.91 acres of land.

Tract No. 2

BEGINNING at a point on the South line of U. S. Highway 80 (a 300 foot Right-of-Way), said point being on the North line of said Davis tract, said point being the Northeast corner of a tract of land conveyed to Sybil W. Davis by Clifton Thomas Davis, et al, as recorded in Volume 5449, Page 236 of Dallas County Deed Records, an iron stake set for corner;

THENCE South 89° 57' East with the South line of U. S. Highway 80, 264.05 feet to an iron stake set for corner;

THENCE South 85° 40' East with the South line of U. S. Highway 80, 79.13 feet to a point on the Northwesterly line of a 3.84 acre tract owned by the Dallas Power & Light Company, an iron stake set for corner;

00006

EXHIBIT "A"/PAGE 3  
CASE 1462-94

THENCE South 50° 31' West with the Northwesterly line of said Dallas Power and Light Company tract, 444.68 feet to the Southeast corner of the aforementioned Sybil Davis tract, an iron stake set for corner;

THENCE North 0° 03' East with the East line of said Sybil W. Davis tract, 288.96 feet to the PLACE OF BEGINNING and containing 1.16 acres of land.

Tract No. 3

BEGINNING at a point on the South line of U. S. Highway 80 (a 360 foot Right-of-Way), said point being the Northwest corner of a tract of land owned by Texaco, Inc., a Right-of-Way marker found in place for corner;

THENCE South 0° 03' West with the West line of said Texaco tract, 208.71 feet to an iron stake set for corner;

THENCE South 89° 57' East with the South line of said Texaco tract, 208.71 feet to an iron stake set for corner; said point being on the West line of Big Town Estates No. 3, an addition to the City of Mesquite, Texas;

THENCE South 0° 03' West with said West line of Big Town Estates No. 3, 516.50 feet to an iron stake set for corner;

THENCE South 46° 14' West with a Northwesterly line of Big Town Estates No. 3, and Big Town Estates No. 4, 1122.70 feet to the South corner of the said Davis tract, an iron stake found in place for corner;

THENCE North 44° 40' West with the joint property line of the Davis and Caroline Hunt Trust Estate tracts, 840.89 feet to a point on the Southeasterly line of a 3.84 acre tract owned by the Dallas Power and Light Company, an iron stake found in place for corner;

100007

EXHIBIT "A"/PAGE 4  
CASE 1462-94

THENCE North 45° 28' East with the Southeasterly line of said Dallas Power and Light Company tract 407.21 feet to a Right-of-Way marker found in place for corner;

THENCE North 50° 31' East with the Southeasterly line of said Dallas Power and Light Company tract, 989.18 feet to a point on a South line of the aforementioned U. S. Highway 80, an iron stake set for corner;

THENCE South 85° 40' East with the South line of U. S. Highway 80, 140.50 feet to the PLACE OF BEGINNING and containing 25.68 acres of land.

SAVE AND EXCEPT the following described 0.95 acre of land conveyed to American Petrofina Company of Texas, a corporation, to wit:

BEING in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being part of the Thomas Davis tract lying South of U. S. Highway 80 and East of Forney Road as described in Dallas County Deed Records in Volume 660, Page 348, and Volume 662, Page 202, and being more particularly described as follows:

BEGINNING at a point on the South line of U. S. Highway 80 (a 360 foot Right-of-Way) said point being the Northwest corner of a tract of land owned by Texaco, Inc., a Right-of-Way marker found in place for corner;

THENCE South 0° 03' West with the West line of said Texaco, Inc. tract for a distance of 208.71 feet to a point for corner;

THENCE North 89° 57' West for a distance of 200.00 feet to a point for corner;

THENCE North 0° 03' East and parallel to the East line of said Texaco, Inc. tract for a distance of 169.97 feet to a point for corner in the Southeasterly line of a 3.84 acre tract of land conveyed to Dallas Power and Light Company tract June 9, 1961;

00008

EXHIBIT "A"/PAGE 5  
CASE 1462-94

THENCE North  $50^{\circ} 31'$  East with the Southeasterly line of said Dallas Power and Light Company tract 77.62 feet to a point for corner in the Southerly line of said U. S. Highway 80;

THENCE South  $85^{\circ} 40'$  East and along said Southerly line of Highway, 140.50 feet to the PLACE OF BEGINNING and containing 41,620.8 square feet and/or 0.95 acre of land and being the same property described in Deed recorded in Volume 67054, Page 1265, Deed Records of Dallas County, Texas.