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ORDINANCE NO. 1183

CASE 34-12

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 "A-1" MULTI-FAMILY DISTRICT ON APPROXIMATELY 69 ACRES, AND "R-3" SINGLE-FAMILY DISTRICT ON APPROXIMATELY 3.5 ACRES, TO PLANNED DEVELOPMENT ON A TOTAL OF 72.577 ACRES SAID PROPERTY BEING A TRACT OF LAND OUT OF THE W. O. ABBOTT SURVEY, ABSTRACT NO. 34, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" 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 REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING ZONING CHANGES ARE 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 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,

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hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "A-1" Multi-Family District on approximately 69 acres, and "R-3" Single-Family District on approximately 3.5 acres, to Planned Development on a total of 72.577 acres, said property being a Tract of land out of the W. O. Abbott Survey, Abstract No. 34, City of Mesquite, Dallas County, Texas, and more particularly described in Exhibit "A" 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" and attached hereto 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.

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 deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance.

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nance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court 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" of this ordinance requires that it be given the above 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, 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 April, A.D., 1974.

  
\_\_\_\_\_  
Bob Beard  
Mayor

ATTEST:

  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Elland Archer  
City Attorney

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EXHIBIT "A"

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BEING A tract of land out of the W. O. Abbott Survey, Abstract No. 34, City of Mesquite, County of Dallas, Texas, and being more particularly described as follows:

COMMENCING at a corner formed by the intersection of the North right of way line of Interstate Highway 20 and the West right of way line of Interstate Boulevard; THENCE along the North right of way line of Interstate Highway 20 North  $69^{\circ} 46' 10''$  West a distance of 450.00 feet to a corner; THENCE North a distance of 341.04 feet to the Place of Beginning of this description:

THENCE continuing North a distance of 622.26 feet to a corner;

THENCE North  $89^{\circ} 31' 10''$  East a distance of 696.66 feet;

THENCE North  $0^{\circ} 07' 40''$  West a distance of 1839.07 feet to a corner;

THENCE North  $60^{\circ} 48' 20''$  East a distance of 1311.08 feet to a corner in an alley;

THENCE South  $0^{\circ} 07' 40''$  East along an alley a distance of 2465.54 feet to a corner;

THENCE North  $87^{\circ} 52'$  West a distance of 165.00 feet to a corner;

THENCE South  $47^{\circ} 1' 1''$  West a distance of 190.56 feet to a corner;

THENCE South  $0^{\circ} 07' 40''$  West a distance of 45.00 feet to a corner;

THENCE South  $89^{\circ} 31' 10''$  West a distance of 473.94 feet to a corner on a circular curve, whose tangent bears South  $36^{\circ} 03' 42''$  West, whose central angle is  $1^{\circ} 27' 38''$  and whose radius is 550.00 feet;

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THENCE along said circular curve to the right a distance of 14.02 feet to a corner;

THENCE North  $60^{\circ} 03' 40''$  West a distance of 80.00 feet to a corner on a circular curve, whose tangent bears South  $37^{\circ} 31' 20''$  East, whose central angle is  $03^{\circ} 47' 30''$  and whose radius is 470.00 feet;

THENCE along said circular curve to the left a distance of 31.10 feet to a point of tangency;

THENCE South  $33^{\circ} 43' 50''$  West a distance of 705.40 feet to the point of tangency of a circular curve to the left, whose central angle is  $09^{\circ} 00' 07''$  and whose radius is 765.12 feet;

THENCE along said circular curve to the left a distance of 120.21 feet to a corner;

THENCE North  $69^{\circ} 46' 10''$  West a distance of 570.29 feet to the Place of Beginning and containing 72.577 acres of land.

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