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ORDINANCE NO. 1211

CASE 1461-42

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 COMMERCIAL AND "A-1" MULTI-FAMILY TO PLANNED DEVELOPMENT FOR APARTMENTS, SAID PROPERTY BEING PART OF TRACT 27, ABSTRACT 1461, 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 REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR 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 change of zoning should be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

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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 Commercial and "A-1" Multi-Family to Planned Development for Apartments, said property being part of Tract 27, Abstract 1461, 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all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.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" as 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

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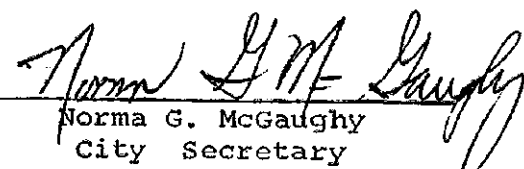
deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

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 16 day of September , 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 10.8 acre tract of land located in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being more fully described as follows:

BEGINNING at the most Southerly corner of the Christian Care Center Addition, Revised, as recorded in Volume 72110, Page 1328 Map Records, Dallas County, Texas;

THENCE South  $64^{\circ} 15'$  West 335.76 feet to the East line of Northwest Drive (100 feet wide) in a curve to the Northwest;

THENCE Northwesterly along said curve, having a radius of 98021 feet, at 249.97 feet pass an iron rod on the Southeast corner of Wiggins Parkway as shown on said Christian Care Center Addition, continue 85 feet to the Northeast corner of Wiggins Parkway and Northwest Drive, continue a total distance of 487.17 feet to the end of said curve;

THENCE North  $66^{\circ} 20'$  West 410.30 feet to the beginning of a curve to the left, having a radius of 1320.62 feet;

THENCE Northwesterly along said curve 207.44 feet to corner;

THENCE North  $75^{\circ} 20'$  West 125 feet to the beginning of a curve to the right, having a radius of 528.44 feet;

THENCE Northwesterly along said curve 68.51 feet to a corner of the City of Mesquite Golf Course;

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THENCE North 87° 49' East 1098.28 feet with a South line of said golf course, to the most Northerly corner of said Christian Care Center Addition;

THENCE South 25° 45' East, at 301.59 feet pass an iron rod on the North line of said Wiggins Parkway (60 feet wide), continue a total distance of 611.59 feet with the East line of said Christian Care Center Addition to the Place of Beginning and containing 10.8 acres of land, save and except 0.61 acres of land in Wiggins Parkway as shown on the Christian Care Center Addition Plat.

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