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ORDINANCE NO. 1217

CASE 972 3A

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 PLANNED DEVELOPMENT FOR TOWNHOUSES TO "A-1" APARTMENTS ON TRACT 1, ABSTRACT 972, 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 DEVELOPMENT OF THE LAND BEING DEVELOPED IN 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 Planned Development for Townhouses to "A-1" Apartments, said property being on Tract 1, Abstract 972, 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all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.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, 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.

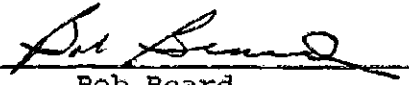
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SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance 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.

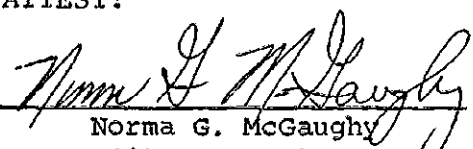
SECTION 7. Whereas, the property described in Exhibit "A" of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 21 day of October , 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 located in the James Moore Survey, Abst. No. 972, City of Mesquite, Dallas County, Texas, and being a part of a tract conveyed to Charles W. Wheat by deed dated March 19, 1952, and recorded in Volume 3644, Page 563 and being a part of a 53.93 acre tract conveyed to J. S. Nesbit, Jr. by deed recorded in Volume 3764, Page 97, also a part of a certain tract conveyed to Frank M. Wheeler, filed February 19, 1969, and being more fully described as follows:

BEGINNING at an iron rod on the north line of Bruton Road, 50 ft. from the center line, also common east line of the Nesbit 53.93 acre and the Moore Survey;

THENCE S 88 deg. 33 min. W. 174.78 ft. along the north line of Bruton Road, 100 ft. wide, to an iron rod at the beginning of a curve;

THENCE Northwesterly 413.12 ft. around said curve, whose central angle is 43 deg. 50 min., radius is 540 ft. and tangent is 217.26 ft., to an iron rod at end of said curve;

THENCE N 47 deg. 37 min. W 420.48 ft. to an iron rod on the north line of Bruton Road, and at the beginning of a curve;

THENCE Northwesterly 74.64 ft. around said curve whose central angle is 8 deg. 33 min., radius is 500 ft. and tangent is 37.38 ft., to an iron rod at end of said curve and on the east line of a tract conveyed to Robert Folsom;

THENCE N 2 deg. 18 min. W 247.61 ft. to an iron rod on Folsom east line;

THENCE N 87 deg. 42 min. E 908.31 ft. to an iron rod on the east line of said Moore Survey;

THENCE S 1 deg. 50 min. E 750 ft. to the Place of Beginning and containing 12.412 acres of land.