

ORDINANCE NO. 1223

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" TOWNHOUSES AND PLANNED DEVELOPMENT TO "A-2" MULTI-FAMILY WITH THE STIPULATION THAT: (1) DENSITY BE RESTRICTED TO 13.53 UNITS PER ACRE; SAID PROPERTY BEING LOCATED IN THE ROBERT BETHURUM SURVEY, ABST. NO. 170 AND THE M. L. SWING SURVEY, ABST. NO. 1397, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY 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 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:

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 "A-1" Townhouses and Planned Development to "A-2" Multi-Family with the stipulation that:

1. Density be restricted to 13.53 units per acre.

Said property being located in the Robert Bethurum Survey, Abst. No. 170 and the M. L. Swing Survey, Abst. No. 1397, City of Mesquite, Dallas County, Texas, and being more fully 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.

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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.

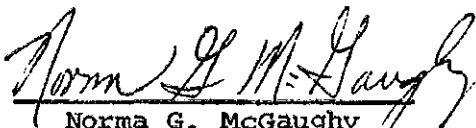
SECTION 7. Whereas, the property described in Exhibit "A" of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 2nd day of December, A.D., 1974.




Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:



Elland Archer
City Attorney

EXHIBIT "A"

All that certain tract or parcel of land located in the Robert Bethurum Survey, Abst. No. 170 and the M. L. Swing Survey, Abst. No. 1397, City of Mesquite, Dallas County, Texas, and being a part of a 39.82 acre tract of land conveyed to Platter Investment Company by Mecco, Inc., and George M. Underwood, recorded in Vol. 69004, Page 2553, Deed Records of Dallas County, Texas, and being more fully described as follows:

BEGINNING at an iron rod at the northwest corner of said 39.82-acre tract and on the east line of Belt Line Road, 100 ft. wide, also the southwest corner of the W. H. Ballard tract;

THENCE N 89° 31' E 698.16 ft. along the north line of said 39.82-acre tract and the south line of several small lots to an iron rod at the most northerly northeast corner of said 39.82-acre tract, also the southeast corner of a tract owned by W. E. Anderson, and on the west line of the City of Dallas Samuell Park tract;

THENCE S 1° 07' E 898.08 ft. with said west line of Samuell Park tract to an iron rod at the southwest corner of said Park tract;

THENCE S 89° 28' W 610.72 ft. to an iron rod on the east line of N. Bryan Ave., 60 feet wide;

THENCE N 23° 12' E 382.29 ft. to an iron rod at the beginning of a curve to the left;

THENCE 282.74 ft. around said curve, whose central angle is 90°, radius is 180 ft. and tangent is 180 ft., to an iron rod;

THENCE N 66° 48' W 270 ft. along the north line of Bryan Ave. to an iron rod on the east line of Belt Line Road;

THENCE N 23° 12 min. E 221.46 ft. along Belt Line Road to the Place of Beginning and containing 11.947 acres of land.