

ORDINANCE NO. 1256

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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-1" SINGLE FAMILY AND "R-3" SINGLE FAMILY TO (1) "R-2" SINGLE FAMILY ON 66.1 ACRES; (2) "R-3" SINGLE FAMILY ON 100.1 ACRES; (3) PLANNED DEVELOPMENT (TOWNHOUSES) ON 79.7 ACRES; (4) "A-1" MULTI-FAMILY ON 23.8 ACRES; AND (5) GENERAL RETAIL ON 33 ACRES, WITH THE STIPULATIONS THAT: (1) 1,400 SQUARE-FOOT HOUSES SHALL BE REQUIRED IN ALL "R-3" ZONED AREAS; (2) A MINIMUM OF 1,500 SQUARE-FOOT HOUSES SHALL BE REQUIRED IN ALL "R-2" ZONED AREAS, BUT THE MINIMUM LOT SIZE SHALL ONLY BE THAT REQUIRED IN THE "R-3" DISTRICT; (3) 20 FEET OF NEEDED RIGHT-OF-WAY ON THE NORTH SIDE OF KEARNEY STREET SHALL BE DEDICATED FOR THE RECONSTRUCTION OF KEARNEY STREET; AND (4) PROVISION SHALL BE MADE IN THE DEVELOPMENT FOR A SCHOOL-PARK SITE, ACCEPTABLE TO THE MESQUITE INDEPENDENT SCHOOL DISTRICT AND THE CITY OF MESQUITE; SAID PROPERTY BEING ALL OF TRACTS 1 AND 2, ABSTRACT 656, SAM HOUSTON SURVEY, AND TRACTS 7, 8, 18, 28, PART OF 29, 30, 31 AND 32, ABSTRACT 1353, T. SCOTT SURVEY, AND IS LOCATED AT THE NORTHWEST INTERSECTION OF KEARNEY STREET AND STATE HIGHWAY 352, FRONTING 3,545 FEET ALONG THE NORTH SIDE OF KEARNEY STREET AND EXTENDING NORTHERLY 3,463 FEET TO SAMUELL PARK, ALL OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING COMPLETELY AND INDIVIDUALLY 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 PROVISIONS 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

210
C0213

ORDINANCE/PAGE 2
#1353-5

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, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "R-1" Single Family and "R-3" Single Family to: "R-2" Single Family on 66.1 acres as described in Tract 1 in Exhibit "A"; "R-3" Single Family on 100.1 acres as described in Tracts 2 and 3 in Exhibit "A"; Planned Development (Townhouses) on 79.7 acres as described in Tract 4 in Exhibit "A"; "A-1" Multi-family on 23.8 acres as described in Tract 5 in Exhibit "A"; and General Retail on 33 acres as described in Tracts 6 and 7 in Exhibit "A", with the stipulations that:

1. 1,400 square-foot houses shall be required in all "R-3" zoned areas;
2. A minimum of 1,500 square-foot houses shall be required in all "R-2" zoned areas, but the minimum lot size shall only be that required in the "R-3" District.
3. 20 Feet of needed right-of-way on the north

211
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side of Kearney Street shall be dedicated for the reconstruction of Kearney Street;

4. Provision shall be made in the development for a school-park site, acceptable to the Mesquite Independent School District and the City of Mesquite.

said property being:

All of Tracts 1 and 2, Abstract 656, Sam Houston Survey, and Tracts 7, 8, 18, 28, part of 29, 30, 31 and 32, Abstract 1353, T. Scott Survey, and is located at the northwest intersection of Kearney Street and State Highway 352, fronting 3,545 feet along the north side of Kearney Street and extending northerly 3,463 feet to Samuell Park, all of the City of Mesquite, Dallas County, Texas.

Said property being completely and individually 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.

212
CC215

ORDINANCE/PAGE 4

#1353-5

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 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.

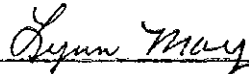
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of July, A.D., 1975.



Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn May
Acting City Secretary

Elland Archer
City Attorney

BROADMOOR PARK FIELD NOTES

2213
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TRACT 1

BEING a tract of land situated in the THOMAS SCOTT SURVEY, Abstract No. 1353 and the SAM HOUSTON SURVEY, Abstract No. 656, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of STATE HIGHWAY NO. 352, with the North line of LONG CREEK ROAD, Thence, along the North line of LONG CREEK ROAD, the following:

S.74°39'30"W, a distance of 539.87 feet;

S.78°13'30"W, a distance of 606.97 feet

S.89°24'30"W, a distance of 2398.17 feet;

THENCE, N.0°52'E, leaving the North line of LONG CREEK ROAD a distance of 1500.33 feet to the PLACE OF BEGINNING, a point for corner;

THENCE, N.0°52'E, a distance of 1000.00 feet to a point on the centerline of a proposed street, a point for corner;

THENCE, along the centerline of said proposed street the following:

S.89°08'E, a distance of 691.84 feet to the beginning of a curve to the right having a central angle of 55°08' and a radius of 350.00 feet, a point for corner;

In a Southeasterly direction and around said curve a distance of 336.79 feet to a point for corner;

THENCE, N.56°00'E, leaving said proposed street a distance of 30.00 feet to a point for corner;

THENCE, S.86°37'E, a distance of 295.43 feet to a point for corner;

THENCE, N.34°00'E, a distance of 170.00 feet to a point for corner;

THENCE, N.5°30'W, a distance of 220.00 feet to a point for corner;

THENCE, N.22°30'W, a distance of 400.00 feet to a point for corner;

THENCE, N.4°00'W, a distance of 400.00 feet to a point for corner;

THENCE, N.89°59'E, a distance of 750.00 feet to a point on the centerline of a proposed street, said point being the beginning of a curve to the left having a central angle of 34°59', a radius of 415.61 feet and a tangent bearing S.0°01'E, a point for corner;

214
C0217

BROADMOOR PARK FIELD NOTES
TRACT 1/PAGE 2

THENCE, along the centerline of said proposed street the following:

In a Southerly direction and around said curve a distance of 253.76 feet to end of said curve, a point for corner;

S.35°00'E, a distance of 250.00 feet to the beginning of a curve to the right having a central angle of 70°30' and a radius of 820.00 feet, a point for corner;

In a Southerly direction and around said curve a distance of 1008.97 feet to end of said curve, a point for corner;

S.35°30'W, a distance of 973.22 feet to the intersection of the centerline of another proposed street, a point for corner;

THENCE, along the centerline of said proposed street the following:

N.54°30'W, a distance of 255.00 feet to the beginning of a curve to the right having a central angle of 22°51' and a radius of 500.00 feet, a point for corner;

In a Northwesterly direction and around said curve a distance of 199.40 feet to a point for corner;

THENCE, S.58°21'W, leaving the centerline of said proposed street a distance of 118.61 feet to a point for corner;

THENCE, S.89°24'30"W, a distance of 1160.00 feet to the PLACE OF BEGINNING and containing 66.32 Acres of Land.

BROADMOOR PARK FIELD NOTES

TRACT 2

215
C0218

BEING a tract of land situated in the SAM HOUSTON SURVEY, Abstract No. 656, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of STATE HIGHWAY NO. 352, with the North line of LONG CREEK ROAD, Thence, along the North line of LONG CREEK ROAD, the following:

S.74°39'30"W, a distance of 539.87 feet;

S.78°13'30"W, a distance of 606.97 feet;

S.89°24'30"W, a distance of 2398.17 feet;

N.0°52'E, leaving the North line of LONG CREEK ROAD, a distance of 2845.33 feet;

N.0°30'W, a distance of 617.88 feet;

N.89°59'E, a distance of 1939.61 feet to the PLACE OF BEGINNING, a point for corner;

THENCE, N.89°59'E, a distance of 1903.15 feet to a point on the West line of the Texas Power and Light Company Right-of-Way, a point for corner;

THENCE, S.0°04'E, along the West line of said Right-of-Way a distance of 1606.20 feet to a point for corner;

THENCE, S.6°16'W, along the West line of said Right-of-Way a distance of 67.30 feet to a point for corner;

THENCE, N.89°16'W, a distance of 1868.19 feet to a point on the centerline of a proposed street, a point for corner;

THENCE, along the centerline of said proposed street the following:

N.35°30'E, a distance of 318.22 feet to the beginning of a curve to the left having a central angle of 70°30' and a radius of 820.00 feet, a point for corner;

In a Northerly direction and around said curve a distance of 1008.97 feet to end of curve, a point for corner;

N.35°00'W, 250.00 feet to the beginning of a curve to the right having a central angle of 34°59' and a radius of 415.61 feet, a point for corner;

In a Northerly direction and around said curve a distance of 253.76 feet to the PLACE OF BEGINNING, and containing 64.12 Acres of Land.

216
C0219

BROADMOOR PARK FIELD NOTES

TRACT 3

BEING a tract of land situated in the THOMAS SCOTT SURVEY, Abstract No. 1353, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of STATE HIGHWAY NO. 352, with the North line of LONG CREEK ROAD, Thence, along the North line of LONG CREEK ROAD, the following:

S.74°39'30"W, a distance of 539.87 feet;
S.78°13'30"W, a distance of 606.97 feet;
S.89°24'30"W, a distance of 2398.17 feet;

THENCE, N.0°52'E, leaving the North line of LONG CREEK ROAD a distance of 430.14 feet to the PLACE OF BEGINNING, a point for corner;

THENCE, N.0°52'E, a distance of 1070.19 feet to a point for corner;

THENCE, N.89°24'30"E, a distance of 1160.00 feet to a point for corner;

THENCE, N.58°21'E, a distance of 118.61 feet to a point on the centerline of a proposed street, said point also being on a curve to the Left having a central angle of 22°51', a radius of 500.00 feet and a tangent bearing of S.31°39'E, a point for corner;

THENCE, along the centerline of said proposed street the following:

In a Southeasterly direction and around said curve a distance of 199.40 feet to end of said curve, a point for corner;

S.54°30'E, a distance of 255.00 feet to a point on the centerline of another proposed street, a point for corner;

THENCE, along the centerline of said proposed street the following:

S.35°30'W, a distance of 55.00 feet to the beginning of a curve to the Left having a central angle of 36°05'30" and a radius of 767.33 feet, a point for corner;

In a Southerly direction and around said curve a distance of 483.36 feet to end of said curve, a point for corner;

S.0°35'30"E, a distance of 338.22 feet to a point for corner;

THENCE, S.89°24'30"W, leaving said proposed street a distance of 1449.05 feet to the PLACE OF BEGINNING and containing 36.12 Acres of Land.

BROADMOOR PARK FIELD NOTES

217
C0220

TRACT 4

BEING a tract of land situated in the THOMAS SCOTT SURVEY, Abstract No. 1353 and the SAM HOUSTON SURVEY, Abstract No. 656, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the Northwest line of STATE HIGHWAY NO. 352, with the North line of LONG CREEK ROAD, a point for corner;

THENCE, along the North line of LONG CREEK ROAD, the following:

S.74°39'30"W, a distance of 539.87 feet to a point for

corner;

S.78°¹³24'30"W, a distance of 606.97 feet to a point for

corner;

S.89°24'30"W, a distance of 398.17 feet to a point for

corner;

THENCE, N.0°35'30"W, leaving the North line of LONG CREEK ROAD, a distance of 430.00 feet to a point for corner;

THENCE, S.89°24'30"W, a distance of 540.00 feet to a point on the centerline of a proposed street, a point for corner;

THENCE, along the centerline of said proposed street the following:

N.0°35'30"W, a distance of 338.22 feet to the beginning of a curve to the right having a central angle of 36°05'30" and a radius of 767.33 feet, a point for corner;

In a Northeasterly direction and around said curve a distance of 483.36 feet to end of said curve, a point for corner;

N.35°30'E, a distance of 710.00 feet to a point for corner;

THENCE, S.89°16'E, leaving the centerline of said proposed street, a distance of 1868.19 feet to a point on the West line of a Texas Power and Light Company tract, a point for corner;

THENCE, S.6°16'W, along the said West line of the Texas Power and Light Company tract a distance of 216.58 feet to a point for corner;

THENCE, S.83°44'E, along the South line of said Texas Power and Light Company tract a distance of 110.00 feet to a point for corner;

218
CC221 BROADMOOR PARK FIELD NOTES
TRACT 4/PAGE 2

THENCE, S.7°00'W, leaving said Texas Power and Light Company tract, a distance of 420.00 feet to a point for corner;

THENCE, S.65°00'W, a distance of 200.00 feet to a point for corner;

THENCE, S.24°00'W, a distance of 190.00 feet to a point for corner;

THENCE, S.48°00'W, a distance of 230.00 feet to a point for corner;

THENCE, S.66°00'E, a distance of 190.00 feet to a point for corner;

THENCE, S.1°50'W, a distance of 203.54 feet to a point on the Northwest line of STATE HIGHWAY NO. 352, a point for corner;

THENCE, S.39°31'30"W, along the Northwest line of STATE HIGHWAY NO. 352, a distance of 210.71 feet to the PLACE OF BEGINNING and containing 79.16 Acres of Land..

00279

BROADMOOR PARK FIELD NOTES

TRACT 5

BEING a tract of land situated in the SAM HOUSTON SURVEY, Abstract No. 656, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of STATE HIGHWAY NO. 352, with the North line of LONG CREEK ROAD, Thence, N.39°31'30"E, along the Northwest line of STATE HIGHWAY, a distance of 1859.66 feet, N.0°40'W, leaving the Northwest line of STATE HIGHWAY NO. 352, a distance of 168.89 feet to a point on the North line of the Texas Power and Light Company tract and the PLACE OF BEGINNING, a point for corner;

THENCE, along the North and East lines of the Texas Power and Light Company tract the following:

S.89°10'W, a distance of 406.43 feet to a point for corner;

N.6°16'E, a distance of 161.18 feet to a point for corner;

N.83°44'W, a distance of 325.59 feet to a point for corner;

N.0°04'W, a distance of 1379.82 feet to a point for corner;

THENCE, N.89°59'E, leaving the Texas Power and Light Company tract, a distance of 695.77 feet to a point for corner;

THENCE, S.0°40'E, a distance of 1569.97 feet to the PLACE OF BEGINNING, and containing 24.15 Acres of Land.

220
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BROADMOOR PARK FIELD NOTES

TRACT 6

BEING, a tract of land situated in the THOMAS SCOTT SURVEY, Abstract No. 1353 and the SAM HOUSTON SURVEY, Abstract No. 656, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Northwest line of STATE HIGHWAY NO. 352, said point being N.39°31'30"E, a distance of 210.71 feet from the North line of LONG CREEK ROAD, a point for corner;

THENCE, N.1°50'E, a distance of 203.54 feet to a point for corner;

THENCE, N.66°00'W, a distance of 190.00 feet to a point for corner;

THENCE, N.48°00'E, a distance of 230.00 feet to a point for corner;

THENCE, N.24°00'E, a distance of 190.00 feet to a point for corner;

THENCE, N.65°00'E, a distance of 200.00 feet to a point for corner;

THENCE, N.7°00'E, a distance of 420.00 feet to a point on the South line of the Texas Power and Light Company tract, a point for corner;

THENCE, along the South and East line of the Texas Power and Light Company tract the following:

S.83°44'E, a distance of 290.00 feet to a point for corner;

N.6°16'E, a distance of 258.30 feet to a point for corner;

N.89°10'E, a distance of 418.59 feet to a point for corner;

THENCE, S.0°40'E, leaving the South line of the Texas Power and Light Company tract a distance of 68.89 feet to a point on the Northwest line of STATE HIGHWAY NO. 352, a point for corner;

THENCE, S.39°31'30"W, along the Northwest line of STATE HIGHWAY NO. 352, a distance of 1648.95 feet to the PLACE OF BEGINNING and containing 10.72 Acres of Land.

221
C0224

BROADMOOR PARK FIELD NOTES

TRACT 7

BEING, a tract of land situated in the THOMAS SCOTT SURVEY, Abstract No. 1353, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of STATE HIGHWAY NO. 352, with the North line of LONG CREEK ROAD, Thence, along the North line of LONG CREEK ROAD, the following:

- S. 74°39'30"W, a distance of 539.87 feet;
- S. 78°13'30"W, a distance of 606.97 feet;
- S. 89°24'30"W, a distance of 398.17 feet to the

PLACE OF BEGINNING, a point for corner;

THENCE, S. 89°24'30"W, along the North line of LONG CREEK ROAD, a distance of 2000.00 feet to a point for corner;

THENCE, N. 0°52'E, leaving the North line of LONG CREEK ROAD, a distance of 430.14 feet to a point for corner;

THENCE, N. 89°24'30"E, a distance of 1989.05 feet to a point for corner;

THENCE, S. 0°35'30"E, a distance of 430.00 feet to the PLACE OF BEGINNING and containing 19.69 Acres of Land.

00222