

ORDINANCE NO. 1266

HUNT PROPERTIES - TR. 5

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-3" SINGLE FAMILY RESIDENTIAL TO INDUSTRIAL; SAID PROPERTY BEING LOCATED IN THE DANIEL TANNER SURVEY, ABSTRACT 1462, SHEET 15A, TRACT BEING TRIANGULAR SHAPED LOCATED APPROXIMATELY 150 FEET SOUTH OF THE TEXAS & PACIFIC RAILROAD AND IS BOUNDED ON THE WEST BY THE PROPOSED EXTENSION OF PEACHTREE ROAD, 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 PROVISIONS 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 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-3" Single Family Residential to Industrial; said property being located in the Daniel Tanner Survey, Abstract 1462, Sheet 15A, tract being triangular shaped located approximately 150 feet south of the Texas and Pacific Railroad and is bounded on the west by the proposed extension of Peachtree Road, 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, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance, 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. 1249 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 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.

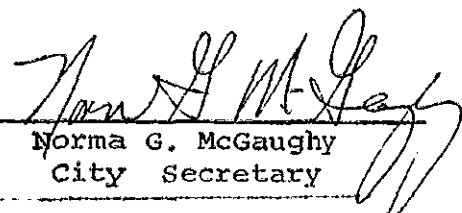
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 15th day of September, A.D. 1975.


Brunhilde Nystrom
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

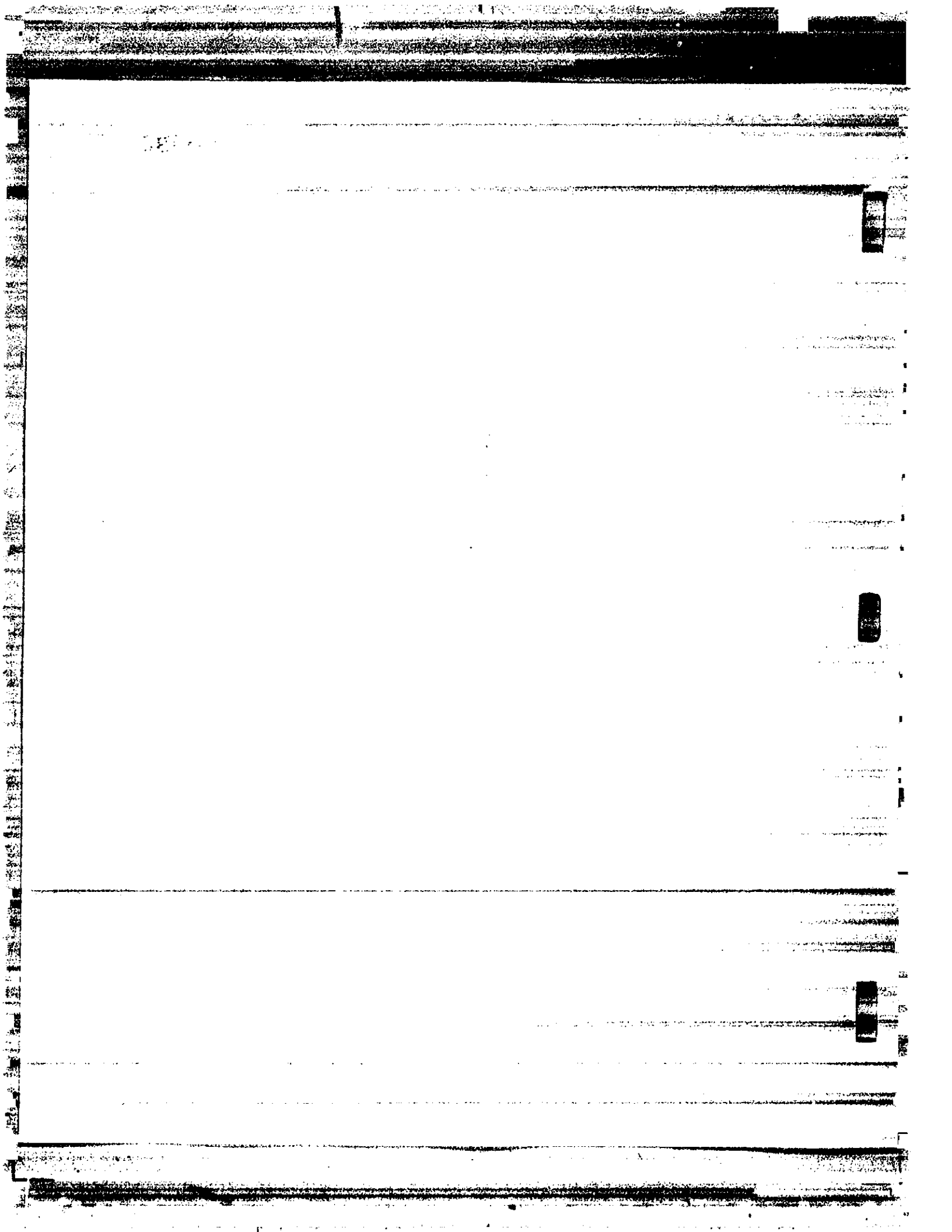


EXHIBIT (A)

TRACT 5
FIELD NOTES
FOR REZONING

00033

CITY OF MESQUITE, DALLAS COUNTY, TEXAS
FOR CAROLINE HUNT TRUST ESTATE

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, and being part of the Daniel Tanner Survey, Abstract 1462, and being part of the tract of land described as "Tract No. 3" conveyed to Caroline Hunt Trust Estate by deed recorded in Volume 5122, Page 195, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the intersection of the southeasterly line of Peachtree Road (100 feet wide) and the southwesterly line of the T&P Railroad right-of-way (200 feet wide);

THENCE South $17^{\circ} 07'$ West along the southeasterly line of Peachtree Road a distance of 66.00 feet to the beginning of a curve to the left;

THENCE in a southwesterly and southerly direction along said curve to the left having a radius of 555.22 feet, a central angle of $09^{\circ} 25' 36''$, and an arc length of 91.35 feet to the POINT OF BEGINNING;

THENCE South $71^{\circ} 13'$ East along the southwesterly line of a tract of land dedicated to the City of Mesquite for drainage and public utility purposes and recorded in Volume 70095, Page 277, of the Deed Records of Dallas County, Texas, a distance of 317.81 feet to a point for corner in the easterly line of the afore mentioned "Tract No. 3";

THENCE South $18^{\circ} 47'$ West along the easterly line of the afore mentioned "Tract No. 3" a distance of 778.12 feet to a point for corner;

THENCE North $71^{\circ} 13'$ West a distance of 15.00 feet to a point for corner in the southeasterly line of Peachtree Road;

THENCE in a northeasterly and northerly direction along the southeasterly line of Peachtree Road and along a curve to the left whose tangent bears North $18^{\circ} 47'$ East having a radius of 764.31 feet, a central angle of $31^{\circ} 17'$, and an arc length of

417.31 feet to the end of said curve to the left;

THENCE North $12^{\circ} 30'$ West continuing along the southeasterly line of Peachtree Road a distance of 233.74 feet to the beginning of a curve to the right;

THENCE in a northerly direction continuing along the southeasterly line of Peachtree Road and along said curve to the right having a radius of 555.22 feet, a central angle of $20^{\circ} 11' 24''$, and an arc length of 195.64 feet to the POINT OF BEGINNING and containing 2.5237 Acres.

10/20/51

