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ORDINANCE NO. 1299

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 CHANGE OF ZONING FROM "A-3" MULTI-FAMILY TO PLANNED DEVELOPMENT FOR "A-3" MULTI-FAMILY; SAID PROPERTY BEING TRACTS 1, 2, 3, 4, 5 & 6 GENERALLY BOUNDED BY INTERSTATE HIGHWAY 30, BELT LINE ROAD, TOWN EAST BOULEVARD, AND THE PROPOSED GALLOWAY EXTENSION, 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 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 "A-3" Multi-Family to Planned Development For "A-3" Multi-Family; said property being Tracts 1, 2, 3, 4, 5 & 6 generally bounded by Interstate Highway 30, Belt Line Road, Town East Boulevard, and the proposed Galloway Extension, 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.

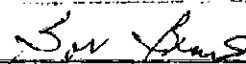
SECTION 4. That the foregoing zoning change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City 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.

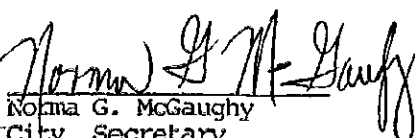
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of January, A.D., 1976.



Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

COOP3

TR. 1

BEING a tract of land in the JAMES A. COATS SURVEY ABST. NO. 339 Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the point of intersection of the West line of Gus Thomasson Road with the North line of Town East Blvd: Thence Southwesterly, along the North line of Town East Blvd (same being in a curve to the right that has a Radius of 1392.7 ft), for a distance of 213.40 ft TO THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN

THENCE Southwesterly, along the North line of Town East Blvd (same being in a curve to the right that has a Radius 1392.7 ft), for a distance of 388.36

THENCE NW $89^{\circ} 12' 00''$ - 59.77 ft to the point in the West line of the Coats Survey

THENCE NE $00^{\circ} 51' 21''$, along the West line of said Survey, 589.44 ft

THENCE SE $87^{\circ} 57' 18''$ - 250.00 ft to the beginning of a curve to the left that has a Radius of 451.45 ft

THENCE Northeasterly, around said curve, 393.12 ft to a point in the West Line of Gus Thomasson Road

THENCE Southeasterly, along the West line of Gus Thomasson Road (same being in a curve to the right that has a Radius of 2480.0 ft), for a distance of 162.52 ft

HENCE NW $88^{\circ} 59' 22''$ - 200.00 ft

HENCE SW $00^{\circ} 43' 28''$ - 224.24 ft to the point of beginning.

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TR. 2

BEING a tract of land in the J. R. WARRALL SURVEY ABST. NO. 1606 and the JAMES A COATS SURVEY ABST. NO. 339 Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the point of intersection of the East line of said Warrall Survey with the South line of Town East Blvd

THENCE SE $01^{\circ} 19' 01''$, along the East line of said Warrall Survey and the East line of said Coats Survey, 800.0 ft

THENCE NW $88^{\circ} 59' 22''$ - 1320.0 ft

THENCE NE $01^{\circ} 19' 01''$ - 231.90 ft to a point in the South line of Town East Blvd

THENCE IN a Northeasterly direction, along the Southerly lines of Town East Blvd, as follows: 1st. NE $57^{\circ} 07' 00''$ - 592.74 ft to the beginning of a curve to the right that has a Radius of 1392.7 ft: 2nd. Northeasterly, around said curve; 804.57 ft: 3rd. SE $89^{\circ} 47' 00''$ - 73.68 ft to the point of beginning.

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TRACT 3

BEING a tract of land in the JOSIAH PHELPS SURVEY, Abstract No. 1157, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a point in the south right-of-way line of Barnes Bridge Road with the west right-of-way line of Belt Line Road;

THENCE south $1^{\circ} 07' 10''$ east with the west right-of-way line of said Belt Line Road 952.82 feet to a point, said point being in the south right-of-way line of Texas Power & Light Company tract;

THENCE south $84^{\circ} 12' 40''$ west with the south right-of-way line of said Texas Power & Light Company right-of-way 3,408.16 feet to a point;

THENCE south $0^{\circ} 30'$ east 1,384.81 feet to the place of beginning of the tract described herein;

THENCE north $88^{\circ} 11' 50''$ east 1,020 feet to a point;

THENCE south $1^{\circ} 48' 10''$ east 553.34 feet to a point, said point being in the north right-of-way line of Town East Boulevard;

THENCE south $88^{\circ} 11' 50''$ west with the said north right-of-way line of Town East Boulevard 281.01 feet to a point, said point being the beginning of a curve to the left having a delta of $13^{\circ} 07' 19''$, $T = 169.38'$; $R = 1,472.70'$;

THENCE with said curve to the left 337.28 feet to a point;

THENCE, leaving the north right-of-way line of said Town East Boulevard, south $88^{\circ} 27' 47''$ west 418.06 feet to a point;

THENCE north $0^{\circ} 30'$ west 590 feet to the place of beginning.

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TRACT 4

BEING a tract of land in the JOSIAH PHELPS SURVEY, Abstract No. 1157, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a point in the south right-of-way line of Barnes Bridge Road with the west right-of-way line of Belt Line Road;

THENCE south $1^{\circ} 07' 10''$ east with said west right-of-way line of Belt Line Road 952.82 feet to a point in the south right-of-way line of Texas Power & Light Company tract, said point being the place of beginning of the tract described herein;

THENCE south $1^{\circ} 07' 10''$ east with the west right-of-way line of said Belt Line Road 803.56 feet to a point;

THENCE south $66^{\circ} 22' 50''$ west, leaving Belt Line Road, 392.39 feet to a point;

THENCE south $5^{\circ} 31' 50''$ east 665.53 feet to a point;

THENCE south $2^{\circ} 49' 40''$ east 562.04 feet to a point, said point being in the north right-of-way line of Town East Boulevard;

THENCE south $88^{\circ} 15' 40''$ west with the north right-of-way line of said Town East Boulevard 620.07 feet to a point;

THENCE north $2^{\circ} 43'$ west 211.23 feet to a point;

THENCE south $88^{\circ} 04' 30''$ west 571.5 feet to a point;

THENCE south $2^{\circ} 43'$ east 210.0 feet to a point;

THENCE south $88^{\circ} 11' 50''$ west 159.23 feet to a point;

THENCE north $1^{\circ} 48' 10''$ west 493.34 feet to a point, said point being the beginning of a curve to the left in a northeasterly direction having a delta of 90° , radius of 985.0 feet;

THENCE with said curve to the northeast 1,547.23 feet to a point;

THENCE north $1^{\circ} 48' 10''$ west 95.0 feet to a point the beginning of a curve to the right in a northwesterly direction, having a delta of $44^{\circ} 15'$, $T = 160'$, $R = 393.54'$;

THENCE with said curve 303.93 feet to a point;

THENCE north $47^{\circ} 33' 10''$ west 117.48 feet to a point;

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THENCE north $1^{\circ} 48' 10''$ west 331.79 feet to a point in the south right-of-way line of Texas Power & Light Company right-of-way;

THENCE north $84^{\circ} 12' 40''$ east with the south right-of-way line of said Texas Power & Light Company right-of-way 1,092.79 feet to the place of beginning.

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TRACT 5

BEING a tract of land in the JOSIAH PHELPS SURVEY, Abstract No. 1157, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point in the south right-of-way line of Barnes Bridge Road, with the west right-of-way line of Belt Line Road;

THENCE south $1^{\circ} 07' 10''$ east with the west right-of-way line of said Belt Line Road 852.82 feet to a point in the north right-of-way line of Texas Power & Light Company tract;

THENCE south $84^{\circ} 12' 40''$ west with said north right-of-way line of Texas Power & Light Company tract 372.06 feet to the place of beginning of the tract described herein;

THENCE south $84^{\circ} 12' 40''$ west with said north right-of-way line of Texas Power & Light Company tract 310.0 feet to a point;

THENCE leaving the north right-of-way line of said Texas Power & Light Company tract north $1^{\circ} 07' 10''$ west 792.41 feet to a point, the beginning of a curve to the right that has a radius of 253.34 feet, a delta of $37^{\circ} 05' 40''$;

THENCE with the said curve to the right 164.02 feet to a point;

THENCE south $54^{\circ} 01' 30''$ east 323.08 feet to a point;

THENCE south $1^{\circ} 07' 10''$ east 725.10 feet to the place of beginning.

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TRACT 6

BEING a tract of land and being partly in the ELIAS T. MYERS SURVEY, Abstract No. 944 and partly in the JOSIAH PHELPS SURVEY, Abstract No. 1157, Dallas County, Texas; and said tract being more particularly described as follows:

COMMENCING at the point of intersection of the southeast line of U. S. Highway No. 67 with the northeast line of the D. P. & L. Co. 125 ft. wide right of way: Thence in a northeasterly direction, along the southeast line of U. S. Highway 67, as follows: 1st. NE 58° 10' 11" - 198.85 feet: 2nd. NE 49° 47' 20" - 300.52 ft: 3rd. Northeasterly, around a curve to the right that has a Radius of 11,269.16 ft., a distance of 666.32 ft.: 4th. NE 64° 57' 30" - 521.09 ft: 5th. NE 67° 01' 06" - 300.25 ft: 6th. NE 65° 00' 00" - 100.4 ft.: 7th. NE 55° 34' 00" - 303.92 ft.: 8th. NE 67° 52' 00" - 198.13 ft. to the point of beginning of the tract described herein;

THENCE in a northeasterly direction, along the southeast line of Highway 67 as follows: 1st. NE 67° 52' 00" - 201.99 ft.: 2nd. NE 64° 58' 00" - 940.63 ft. to the centerline of Duck Creek;

THENCE southeasterly, down the center of Duck Creek, to its intersection with the north line of said D. P. & L. Co. right-of-way;

THENCE in a westerly direction, along the north right of way of said D. P. & L. Co., as follows: 1st. SW 89° 58' 00" - 1,689.97 ft.: 2nd. SW 78° 37' 434.18 ft.;

THENCE NW 28° 20' 00" - 844.06 ft. to the point of beginning save and except that portion within the City Limits of Garland, Texas.

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