

ORDINANCE NO. 1315

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 COMMERCIAL AND GENERAL RETAIL TO PLANNED DEVELOPMENT UNDER A-2 STANDARDS WITH A MAXIMUM DENSITY OF 22.6 UNITS PER ACRE; SAID PROPERTY BEING A 11.769 ACRE TRACT OF LAND LOCATED NEAR THE NORTHWEST CORNER OF THE BIG TOWN BLVD. AND I-30 INTERSECTION, IN THE WILLIAM A. COLE SURVEY, ABSTRACT NO. 261, 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 Commercial and General Retail to Planned Development under A-2 Standards with a maximum density of 22.6 units per acre; said property being a 11.769 acre tract of land located near the northwest corner of the Big Town Blvd. and I-30 intersection, in the William A. Cole Survey, Abstract No. 261, 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.

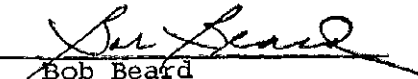
SECTION 5. That should any paragraph, sentence, sub-division, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided 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. The fact that the present ordinances of the City of Mesquite are inadequate to allow for proper development within the city, creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law and charter in such cases provides.


DULY PASSED AND APPROVED by the City Council of City of Mesquite, Texas, on the 3rd day of May, 1976.



Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

CO077

Exhibit (A)

FIELD NOTES

BEING a tract of land located in the William A. Cole Survey, Abstract No. 261, City of Misquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point 50 ft. from the center line of John West Road and north $89^{\circ}56'30''$ west, 220 ft. from the center line of Big Town Blvd.;

THENCE: south $0^{\circ}3'30''$ west 200 ft. to a point for a corner;

THENCE: south $89^{\circ}56'30''$ east 170 ft. to a corner;

THENCE: south $0^{\circ}3'30''$ west 149.60 ft. to a corner;

THENCE: north $89^{\circ}56'30''$ west 12.20 ft. to a right-of-way marker;

THENCE: south $19^{\circ}23'$ west 137.6 ft. to a right-of-way marker;

THENCE: south $67^{\circ}47'$ west 156.9 ft. to a right-of-way marker;

THENCE: south $9^{\circ}56'23''$ east 418.75 ft. to a right-of-way marker;

THENCE: south $31^{\circ}4'$ west 200 ft. to a right-of-way marker;

THENCE: south $61^{\circ}4'$ west 330 ft. to a corner;

THENCE: north $28^{\circ}56'$ west 165 ft. to a point for a corner;

THENCE: south $61^{\circ}4'$ west 30 ft. to a corner;

THENCE: north $28^{\circ}56'$ west 145 ft. to a corner;

THENCE: south $61^{\circ}4'$ west 83.7 ft. to a corner;

THENCE: north $28^{\circ}56'$ west 80 ft. to a corner;

THENCE: north $61^{\circ}4'$ east 313.72 ft. to a point of curvature to the left;

THENCE: northeasterly along the curve of a radius of 41 ft. for a distance of 43.66 ft. to a point of tangency;

THENCE: north $0^{\circ}3'30''$ east 808.35 ft. to a corner;

THENCE: south $89^{\circ}56'30''$ east 345 ft. to the place of BEGINNING and containing 11.769 acres of land.