

## ORDINANCE NO. 1322

#1461-44

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 RESIDENTIAL TO "R-1A" SINGLE FAMILY RESIDENTIAL ON APPROXIMATELY 43.6 ACRES KNOWN AS TRACT 31, ABSTRACT 1461, LOCATED NORTH OF THE CHRISTIAN SCHOOL PROPERTY AND SOUTH OF NORTHWEST DRIVE, CITY OF MESQUITE, DALLAS COUNTY, TEXAS; SAID PROPERTY BEING FURTHER 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 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 and Zoning 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 Residential to "R-1A" Single Family Residential on approximately 43.6 acres known as Tract 31, Abstract 1461, said property being located north of the Christian School property and south of Northwest Drive, City of Mesquite, Dallas County, Texas, said property being further 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.

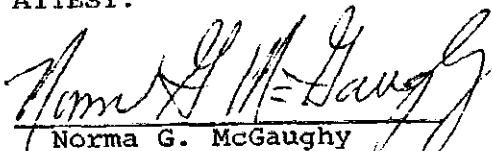
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 July, A.D., 1976.

  
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Bob Beard  
Mayor

ATTEST:

  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Elland Archer  
City Attorney

00103

EXHIBIT A

Property Description

Tract A

BEING a tract of land situated in the T. Thomas Survey, Abstract No. 1461, Dallas County, Texas and being out of the Bird Armstrong 313.66 acre tract as recorded in Volume 664, page 611, Dallas County Deed Records and being more particularly described as follows:

COMMENCING at the present East corner of said Armstrong tract, said point being the North corner of a 39.98 acre tract conveyed to P. K. Carmichael, April 29, 1958;

THENCE North 45°02' East along the Northwesterly line of said Armstrong tract a distance of 741 feet to the PLACE OF BEGINNING;

THENCE North 45°02' East continuing along the Northwesterly line of said tract a distance of 476.53 feet to a point for corner;

THENCE North 45°22' East continuing along the Northwesterly line of said Armstrong tract a distance of 51.20 feet to a point for corner in the Southerly line of a Dallas Power and Light Company R.O.W.;

THENCE South 62°41'30" East along the Southerly line of said Dallas Power and Light R.O.W. a distance of 1646.68 feet to a point for corner in the Southeasterly line of the Armstrong tract;

THENCE South 44°50' West along the Southeasterly line of said Armstrong tract a distance of 503.30 feet to a point for corner in the Northwesterly line of Twin Hills Estates Addition;

THENCE South 45°10' West along the joint property line of the Armstrong tract and Twin Hills Estates Addition a distance of 1580.00 feet to a point for corner in an Easterly line of the P.K. Carmichael 39.98 acre tract;

THENCE North 08°43' East, along the joint property line of the Carmichael and Armstrong tracts a distance of 389.96 feet to a point for corner;

THENCE North 45° West along said property lines a distance of 886.19 feet to a point for corner;

THENCE North 66°31'30" East 703 feet to a point for corner;

THENCE North 02°39'30" West, 129.21 feet to a point for corner;

THENCE North 45° West 611.81 feet to the PLACE OF BEGINNING and containing 45.49 acres less 1.89 acres in Dallas Power and Light easement leaving 43.6 acres.