

ORDINANCE NO. 1341

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 "A-1" MULTIFAMILY AND PLANNED DEVELOPMENT 772 (TOWNHOUSES) TO PLANNED DEVELOPMENT FOR COMMERCIAL, OFFICE TOWERS AND RETAIL, HOSPITAL AND NURSING HOME; SAID PROPERTY BEING LOCATED IN THE JOHN T. NELMS SURVEY, ABSTRACT NO. 1095, 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 REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT 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 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-1" Multifamily and Planned Development 772 (Townhouses) to Planned Development for Commercial, Office Towers and Retail, Hospital and Nursing Homes and with the stipulation that there be no outside storage.

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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all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.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" as 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. 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 of 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 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 1st day of November, A.D., 1976.


Bob Beard
Mayor

APPROVED AS TO FORM:

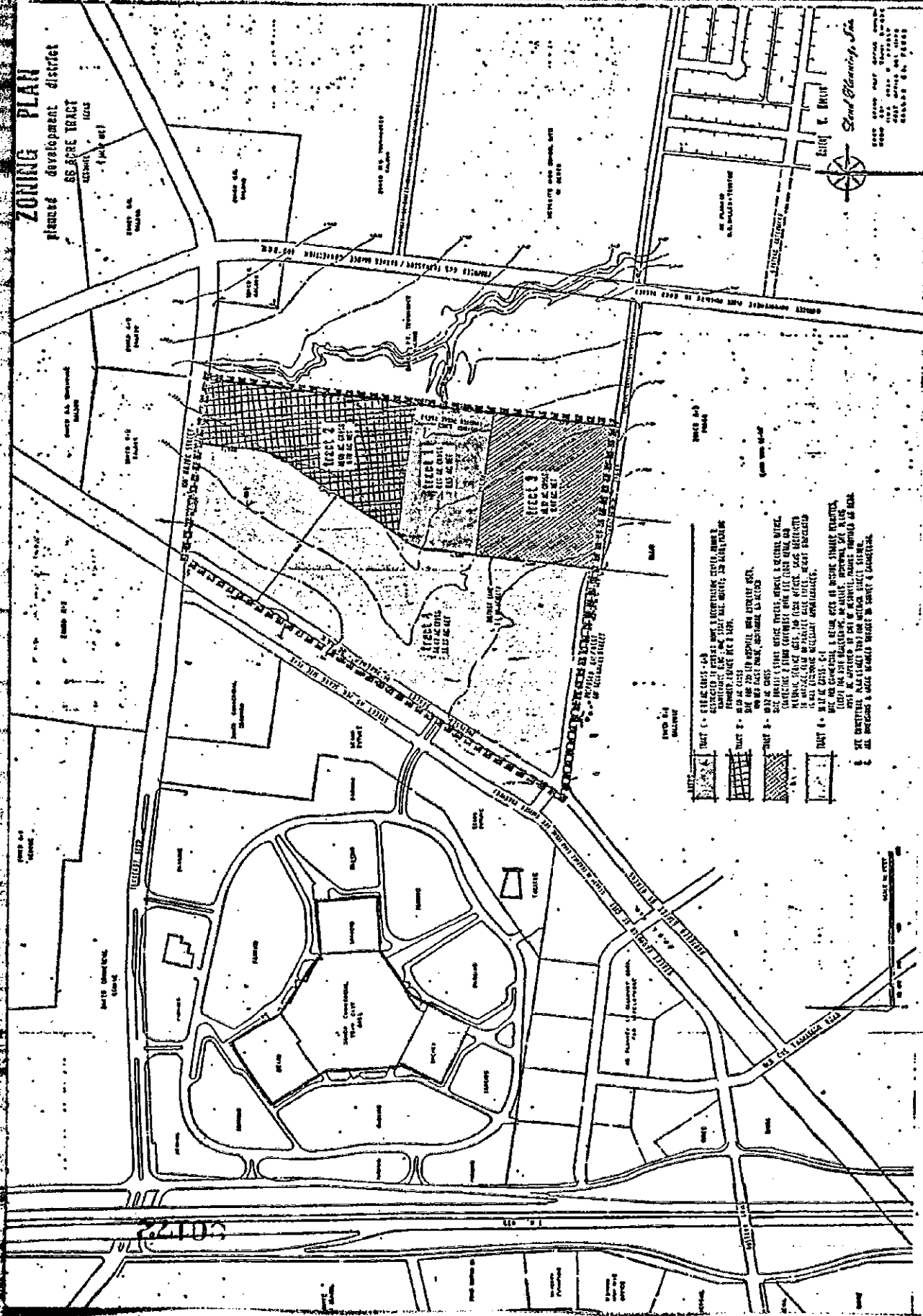

Elland Archer
City Attorney

ATTEST:


Norma G. McGaughy
City Secretary

ZONING PLAN

planned development district
 65 ACRES TRACT
 (part of)



Street Planning, Inc.
 1000 ...
 1000 ...
 1000 ...
 1000 ...

1. THE ZONING DISTRICTS SHOWN ON THIS MAP ARE AS SHOWN ON THE ATTACHED MAPS AND ARE SUBJECT TO THE CHANGES THAT MAY BE MADE FROM TIME TO TIME.

2. THE ZONING DISTRICTS SHOWN ON THIS MAP ARE AS SHOWN ON THE ATTACHED MAPS AND ARE SUBJECT TO THE CHANGES THAT MAY BE MADE FROM TIME TO TIME.

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Zoning Tract 1

BEING all that certain lot, tract or parcel of land situated in Dallas County, Texas, out of the John T. Nelms Survey, Abstract No. 1095 and being part of 110 acres called First Tract in deed from Lyda Mae Lytal, et al, to J.B. Galloway, dated January 28, 1933 recorded in Volume 1825 at page 23 of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a point in the West line of a 165 acre tract conveyed by Arlene W. Thompson, et vir, to O.W. Gibbons by deed dated November 25, 1939, recorded in Volume 2171 at page 391 of the Deed Records of Dallas County, Texas said point being South $01^{\circ} 01' 52''$ West a distance of 1028.64 feet from the South line of Town East Boulevard;

THENCE South $01^{\circ} 01' 52''$ West along the South line of said O.W. Gibbons 165 acre tract, a distance of 400 feet to point for corner;

THENCE North $88^{\circ} 38' 15''$ West a distance of 732.64 feet to point for corner;

THENCE North $01^{\circ} 01' 52''$ East a distance of 216.75 feet to the beginning of a curve to the right having a central angle of $27^{\circ} 05' 09''$ and a radius of 300 feet;

THENCE Northerly around said curve to the right an arc distance of 141.82 feet to a point for corner;

THENCE North $28^{\circ} 07' 01''$ East a distance of 53.95 feet to a point for corner;

THENCE South $88^{\circ} 38' 15''$ East a distance of 675.18 feet to the place of BEGINNING and containing 6.65 acres of land more or less.

Zoning Tract 2

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Being all that certain lot, tract or parcel of land situated in Dallas County, Texas, out of the John T. Velms Survey, Abstract No. 1095 and being part of 110 acres called First Tract in deed from Lyda Mae Lytal, et al, to J. B. Galloway, dated January 28, 1933 recorded in Volume 1825, page 23 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the South line of Town East Boulevard an 80 foot right-of-way, with the West line of a 165 acre tract of land conveyed by Arlene W. Thompson, et vir, to O. W. Gibbons by deed dated November 25, 1939, recorded in Volume 2171 at page 391 of the Deed Records of Dallas County, Texas, said point also being 40 feet South of the North-east corner of said J. B. Galloway 110 acre tract;

THENCE South $01^{\circ} 01' 52''$ West with the West line of said O. W. Gibbons tract a distance of 1028.64 feet to a point for corner;

THENCE North $88^{\circ} 38' 15''$ West a distance of 675.18 feet to a point for corner;

THENCE North $28^{\circ} 07' 01''$ East a distance of 685.81 feet to the beginning of a curve to the left having a central angle of $27^{\circ} 05' 09''$ and a radius of 300 feet;

THENCE Northerly around said curve to the left, an arc distance of 141.82 feet to the end of said curve;

THENCE North $01^{\circ} 01' 52''$ East a distance of 276.73 feet to the South right of way line of Town East Boulevard;

THENCE South $89^{\circ} 06' 38''$ East along the South line of Town East Boulevard a distance of 330 feet to the place of BEGINNING and containing 10.47 acres of land more or less.

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Zoning Tract 3

Being all that certain lot, tract or parcel of land situated in Dallas County, Texas, out of the John T. Nelms Survey, Abstract No. 1095 and being part of 110 acres called First Tract in deed from Lyda Mae Lytal, et al, to J. B. Galloway, dated January 28, 1933 recorded in Volume 1825 at page 25 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Southwest corner of a 165 acre tract of land conveyed by Arlene W. Thompson, et vir, to O. W. Gibbons by deed dated November 25, 1939, recorded in Volume 2171 at page 391 of the Deed Records of Dallas County, Texas, said point also being the Southeast corner of the John T. Nelms Survey;

THENCE North $88^{\circ} 38' 15''$ West with the South line of the John T. Nelms Survey, a distance of 732.63 feet to the Northwest corner of the Henry Harter Survey;

THENCE North $01^{\circ} 01' 52''$ East a distance of 620 feet to a point for corner;

THENCE South $88^{\circ} 38' 15''$ East a distance of 732.64 feet to a point for corner in the West line of said O. W. Gibbons 165 acre tract;

THENCE South $01^{\circ} 01' 52''$ West along the West line of said Gibbons 165 acre tract, a distance of 620 feet to the place of BEGINNING and containing 10.43 acres of land, more or less.

Zoning Tract 4

BEING all that certain lot, tract or parcel of land situated in Dallas County, Texas, out of the John T. Nelms Survey, Abstract No. 1095 and being part of 110 acres called First Tract in deed from Lyda Mae Lytal, et al, to J.B. Galloway, dated January 28, 1933 recorded in Volume 1825 at page 23 of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

BEGINNING at the Southeast corner of a tract of land conveyed by J.B. Galloway and wife, Myrle Galloway to Dallas Power and Light Company by deed dated April 19, 1961, recorded in Volume 5533 at page 364 of the Deed Records of Dallas County, Texas;

THENCE North 28° 07' 01" East with the Easterly line of said Dallas Power and Light Company tract, a distance of 2232.19 feet to an iron rod for corner in the South right-of-way line of Town East Boulevard;

THENCE South 89° 06' 38" East with the South line of Town East Boulevard a distance of 594.37 feet to a point for corner;

THENCE South 01° 01' 52" West a distance of 276.73 feet to the beginning of a curve to the right having a central angle of 27° 05' 09" and a radius of 300 feet;

THENCE Southerly along said curve to the right an arc distance of 141.82 feet to a point for corner;

THENCE South 28° 07' 01" West a distance of 739.76 feet to the beginning of a curve to the left having a central angle of 27° 05' 09" and a radius of 300 feet;

THENCE Southerly along said curve to the left an arc distance of 141.82 feet to a point for corner;

THENCE South 01° 01' 52" West a distance of 775.75 feet to a point for corner;

THENCE North 89° 16' West along the North line of the John T. Nelms Survey, a distance of 1208.12 feet to the place of BEGINNING and containing 38.70 acres of land, more or less.

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