

00155

ORDINANCE NO. 1398

Appl. 34-16

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 PLANNED DEVELOPMENT (FOR OFFICE WAREHOUSES) AND COMMERCIAL TO PLANNED DEVELOPMENT FOR APARTMENTS WITH A DENSITY OF 21 UNITS PER ACRE ON PART OF TRACTS 11 AND 13, ABSTRACT 34. THIS 14.5 ACRE TRACT OF LAND IS LOCATED NORTHWEST OF THE HIGHWAY 80 AND INTERSTATE BOULEVARD INTERSECTION IN THE W. O. ABBOTT SURVEY, 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 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 Planned Development (for office warehouses) and Commercial to Planned Development for Apartments with a density of 21 units per acre on part of Tracts 11 and 13, Abstract 34. This 14.5 acre tract of land is located Northwest of the Highway 80 and Interstate Blvd. Intersection in the W.O. Abbott Survey, 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.

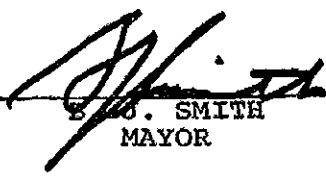
SECTION 4. That the foregoing zoning change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City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

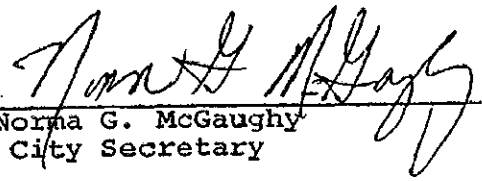
DULY PASSED AND APPROVED by the City Council of the
City of Mesquite, Texas, on the 7th day of November, A.D.,
1977.



E. G. SMITH
MAYOR

APPROVED AS TO FORM:

ATTEST:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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EXHIBIT A

LEGAL DESCRIPTION MULTI-FAMILY TRACT

Being a Tract of Land situated in the W. O. Abbott Survey, Abstract No. 34, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

Commencing at a point formed by the intersection of the West right-of-way line of Interstate Boulevard and the North right-of-way line of Interstate Highway 20; Thence along the North right-of-way line of Interstate Highway 20 North $69^{\circ} 46' 10''$ West a distance of 450.00 ft. to the Place of Beginning;

Thence departing from the North right-of-way line of Interstate Highway 20 due North a distance of 963.30 ft. to a corner;

Thence North $89^{\circ} 31' 10''$ East a distance of 696.66 ft. to a corner;

Thence South $0^{\circ} 07' 40''$ East a distance of 165.65 ft. to a corner;

Thence South $56^{\circ} 16' 10''$ East a distance of 222.23 ft. to a corner in the West right-of-way line of Interstate Boulevard;

Thence along said West right-of-way line of Interstate Boulevard South $33^{\circ} 43' 50''$ West a distance of 518.79 ft. to a point of curvature of a circular curve to the left whose central angle is $13^{\circ} 30' 00''$ whose radius is 765.12, and whose tangent is 90.56 ft.

Thence along said circular curve to the left a distance of 180.27 ft. to the point of tangency;

Thence South $20^{\circ} 13' 50''$ West a distance of 60.00 ft. to a corner;

Thence leaving the West right-of-way line of interstate Boulevard North $69^{\circ} 46' 10''$ West a distance of 438.45 ft. to a corner;

Thence due South a distance of 213.15 ft. to a corner in the North right-of-way line of Interstate Highway 20;

Thence along the North right-of-way line of Interstate Highway 20 North $69^{\circ} 46' 10''$ West a distance of 85.26 ft. to the Place of Beginning and containing 14.185 Acres of Land.