

ORDINANCE NO. 1404

1362-13

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 GENERAL RETAIL TO PLANNED DEVELOPMENT FOR APARTMENTS WITH A MAXIMUM DENSITY OF 20 UNITS PER ACRE; SAID PROPERTY BEING LOCATED ON THE NORTHEAST SIDE OF MOTLEY DRIVE BETWEEN TOWN EAST BOULEVARD AND MANCHESTER STREET, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" 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 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 may 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 General Retail to Planned Development for Apartments with a maximum density of 20 units per acre; said property being located on the Northeast side of Motley Drive between Town East Boulevard and Manchester Street, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" 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.

ORDINANCE/PAGE 3

DULY PASSED AND APPROVED by the City Council of the
City of Mesquite, Texas, on the 19th day of December, A.D.,
1977.

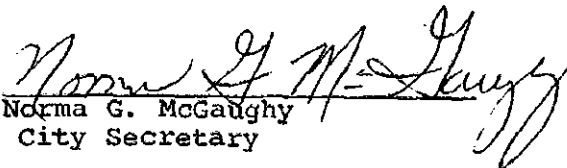
00183



E. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

00181

EXHIBIT "A"
FIELD NOTES

LOT 3, BLOCK A MANCHESTER SQUARE ADDITION

BEING a tract of land in the T.D. Sackett Survey, Abstract No. 1362, in the City of Mesquite, Dallas County, Texas, and being a part of a 13.042 acre tract conveyed to Don H. Cook, Trustee, by Clifford W. Wheeler, as recorded in Volume 72194, Page 0160 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the Northeast line of Motley Drive (an 80 foot R.O.W.), said point also being the West corner of the Skaggs Albertsons Addition as recorded in Volume 73058, Page 691 of the Deed Records of Dallas County, Texas;

THENCE, N 45°00'00" W, along the said Northeast line of Motley Drive, a distance of 308.20 feet to a point for corner;

THENCE, N 45°00'00" E, a distance of 200.00 feet to a point for corner;
THENCE, N 45°00'00" W, a distance of 200.00 feet to a point for corner;
THENCE, N 45°00'00" E, a distance of 111.00 feet to a point for corner;
THENCE, N 45°00'00" W, a distance of 103.00 feet to a point for corner;
THENCE, N 45°00'00" E, a distance of 31.00 feet to a point for corner;
THENCE, N 45°00'00" W, a distance of 87.00 feet to a point for corner;
THENCE, N 45°00'00" E, a distance of 20.00 feet to a point for corner;
THENCE, N 45°00'00" W, a distance of 135.00 feet to a point for corner;
THENCE, S 45°00'00" W, a distance of 157.00 feet to a point for corner;
THENCE, N 45°00'00" W, a distance of 138.66 feet to a point for corner;
THENCE, N 45°00'00" E, a distance of 182.00 feet to a point for corner;
THENCE, S 66°33'00" E, a distance of 372.00 feet to a point for corner;
THENCE, S 44°59'55" E, a distance of 625.86 feet to a point for corner;
THENCE, S 45°00'00" W, a distance of 523.63 feet to the POINT OF BEGINNING and
CONTAINING 306,179 square feet or 7.0289 acres of land.