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ORDINANCE NO. 1427

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, BY AMENDING ORDINANCE 1414 TO REQUIRE 65 FEET MINIMUM LOT WIDTH; SO AS TO GRANT A CHANGE OF ZONING FROM PLANNED DEVELOPMENT FOR TOWNHOUSES, R-1, AND R-2 SINGLE FAMILY RESIDENTIAL AND PLANNED DEVELOPMENT FOR A-3 MULTIFAMILY TO PLANNED DEVELOPMENT FOR SINGLE FAMILY RESIDENTIAL WITH THE FOLLOWING STIPULATIONS: (1) THAT EACH PHASE OF DEVELOPMENT SHALL HAVE AN AVERAGE LOT AREA OF 8,000 SQUARE FEET WITH TEN PERCENT (10%) OF THE TOTAL LOTS ALLOWED TO HAVE A MINIMUM OF 7,200 SQUARE FOOT LOT AREA; (2) THAT LOTS SHALL BE 65 FEET MINIMUM WIDTH; (3) THAT LOT DEPTHS SHALL AVERAGE 115 FEET; AND (4) THAT LIVING AREAS OF HOMES SHALL AVERAGE 1,550 SQUARE FEET, WITH 30 PERCENT OF THE TOTAL HOMES ALLOWED TO HAVE LESS THAN 1,550 SQUARE FEET BUT NOT LESS THAN 1,300 SQUARE FEET; SAID PROPERTY BEING LOCATED NORTH OF TOWN EAST BLVD. AND THE PROPOSED GALLOWAY/GUS THOMASSON EXTENSION, 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 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:

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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 Ordinance 1414 to require 63 feet minimum lot width; and by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from Planned Development for Townhouses, R-1 and R-2 Single Family Residential and Planned Development for A-3 Multi-Family to Planned Development for Single Family Residential with the following stipulations: (1) That each phase of development shall have an average lot area of 8,000 square feet with ten percent of the total lots allowed to have a minimum of 7,200 square foot lot area; (2) That lots shall be 65 feet minimum width; (3) That lot depths shall average 115 feet; and (4) That living areas of homes shall average 1,550 square feet, with 30 percent of the total homes allowed to have less than 1,550 square feet but not less than 1,300 square feet; said property being located North of Town East Blvd. and the proposed Galloway/Gus Thomasson Extension, 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 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.

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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 15th day of May, A. D., 1978.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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M. E. Bennett Engineers, Inc.
3026 Forest Lane
Garland, Texas 75042

Jan. 19, 1978

FIELD NOTES

TR. 17, 20 - 47.277 ACRES

BEING a tract of 47.277 Acres of land in the ADALINE S. WARRALL SURVEY ABSTRACT NO. 1605 Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the point of intersection of the Northwest line of the D.P.&L. Co. 125 ft. tract with the Southwest line of the Gus Thomasson Road;
THENCE SW $27^{\circ} 58' 30''$, along said Northwest line, 1550.50 ft. to a point in the South line of said Warrall Survey;
THENCE NW $87^{\circ} 57' 18''$, along said South line, 562.19 feet to the Southwest corner of said Warrall Survey;
THENCE NE $00^{\circ} 50' 39''$, along said Survey line, 2524.48 ft. to a point in the South line of the T.P.&L. Co. 100 ft. wide tract;
THENCE SE $39^{\circ} 01' 30''$, along said South line, 110.92 feet to its intersection with the Southwest line of Gus Thomasson Road;
THENCE in a Southeasterly direction, along the Southwest line of Gus Thomasson Road, as follows: 1st. SE $44^{\circ} 16' 32''$ - 1539.42 ft. to the beginning of a curve to the right that has a radius of 2480.00 ft.; 2nd. Southeasterly, around said curve, 97.03 feet to the point of beginning and containing 47.277 Acres of land.

TR. 19, and part of 21 - 24.619 ACRES

BEING a tract of 24.619 Acres of land and being partly in the ADALINE S. WARRALL SURVEY, ABSTRACT NO. 1605 and partly in the J. R. WARRALL SURVEY, ABSTRACT NO. 1606 Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the point of intersection of the Southeast line of the D.P.&L. Co. 125 ft. tract with the Southwest line of Gus Thomasson Road;
THENCE in a Southeasterly direction, along the Southwest line of Gus Thomasson Road (same being in a curve to the right that has a radius of 2480.00 feet), for a distance of 1716.36 feet.
THENCE N $89^{\circ} 16' 32''$ W, 200.00 feet to a point for corner;
THENCE S $82^{\circ} 44' 55''$ W, 159.20 feet to a point for corner;
THENCE N $87^{\circ} 57' 18''$ W, 285.00 feet to a point for corner;
THENCE N $0^{\circ} 51' 21''$ E, 304.00 feet to a point in the South line of the Adaline S. Warrall Survey;
THENCE NW $87^{\circ} 57' 18''$, along said South line, 588.41 feet to a point in the Southeast line of the D.P.&L. Co. tract;
THENCE NE $27^{\circ} 58' 30''$, along said Southeast line of the D.P.&L. Co. tract, 1440.42 feet to the point of beginning and containing 24.619 Acres.

TR. 18 - 42.181 ACRES

BEING a tract of land situated in the ADALINE S. WARRALL SURVEY, ABSTRACT NO. 1605 and the J. R. WARRALL SURVEY, ABSTRACT NO. 1606 Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the Northeast line of Gus Thomasson Road (100' R.O.W.), said point being Northwesterly along the Northeast line of Gus Thomasson Road, 680.11 feet from the North line of Town East Blvd. (80' R.O.W.) a point for corner;
THENCE Northwesterly along the Northeast line of said Gus Thomasson Road and along a curve to the left, which has a tangent that bears N $12^{\circ} 12' 21''$ W, a central angle $25^{\circ} 41' 21''$, a radius of 2580.00 feet, for an arc distance of 1156.77 feet to a point for corner;
THENCE Northeasterly along a curve to the right, which has a tangent that bears N $57^{\circ} 53' 34''$ E, a central angle of $27^{\circ} 48' 51''$, a radius of 1336.42 feet, for an arc distance of 648.77 feet to a point for corner;
THENCE Northeasterly along a curve to the left, which has a tangent that bears N $88^{\circ} 25' 28''$ E, a central angle of $18^{\circ} 01' 58''$; a radius of 753.58 feet, for an arc distance of 237.18 feet to a point for a reverse curve, a point for corner;

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THENCE Northeasterly, along a curve to the right, which has a tangent that bears N 70° 23' 30" E, a central angle of 20° 35', a radius of 1251.42 feet, for an arc distance of 449.57 feet to the point of tangent of said curve, a point for corner;

THENCE S 89° 01' 30" E, 433.81 feet to a point for corner;

THENCE S 1° 22' 44" W, 1079.02 feet to a point for corner;

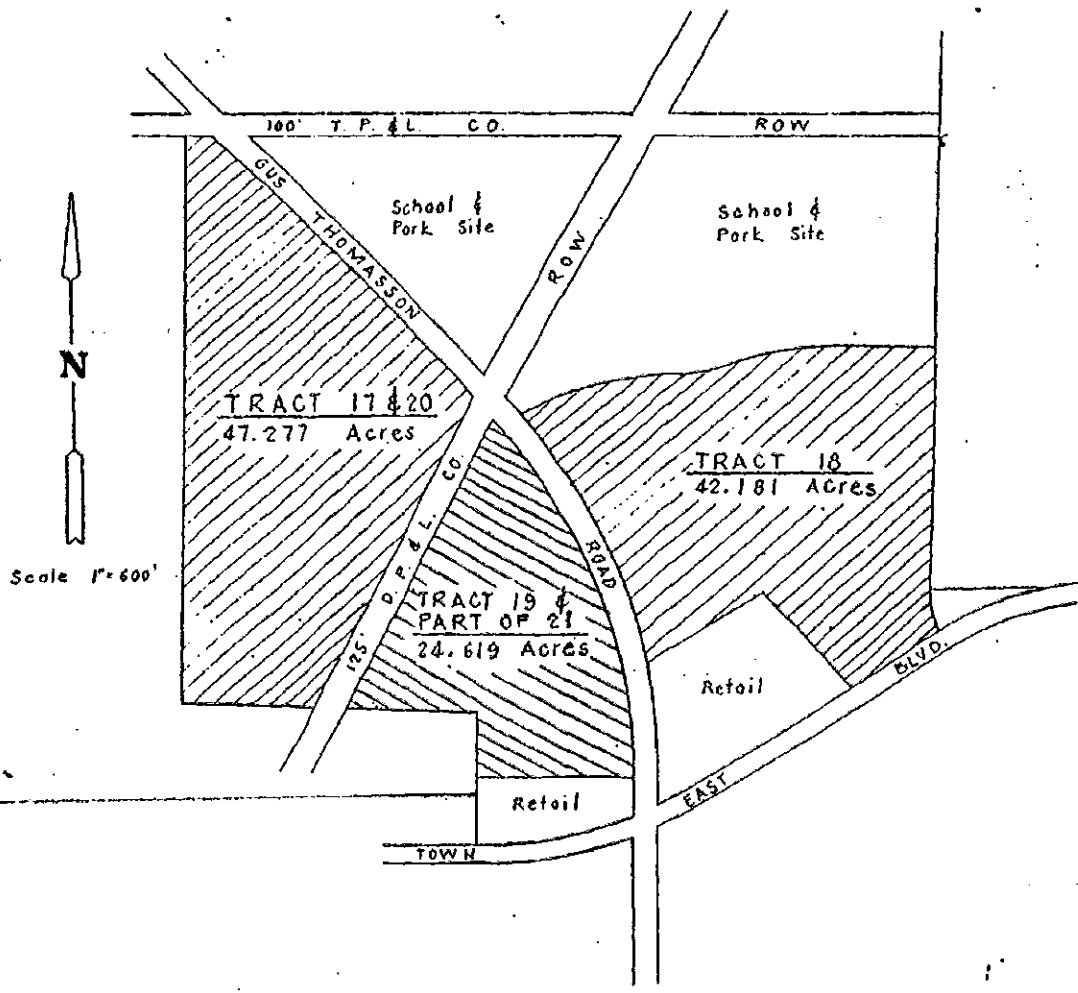
THENCE Southeasterly along a curve to the left, which has a tangent that bears S 1° 22' 44" W, a central angle 11° 04' 13", a radius of 1028.53 feet, for an arc distance of 198.73 feet to a point in the Northwest line of Town East Blvd., a point for corner;

THENCE Southwesterly along the Northwest line of Town East Blvd, and along a curve to the left, which has a tangent that bears S 57° 16' 40" W, a central angle of 0° 10' 10", a radius of 1472.70 feet, for an arc distance of 4.36 feet to the point of tangency of said curve, a point for corner;

THENCE S 57° 06' 30" W along the Northwest line of Town East Blvd., 473.17 feet to a point for corner;

THENCE N 42° 00' 30" W, 496.70 feet to a point for corner;

THENCE S 69° 33' 30" W, 519.49 feet to the point of beginning and containing 42.181 acres of land more or less.



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