

ORDINANCE NO. 1463

App1. No. 1462-119

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 INDUSTRIAL TO R-2 SINGLE FAMILY RESIDENTIAL PROVIDED, HOWEVER, THAT LOT SIZES AND DIMENSIONS SHALL HAVE THAT MINIMUM AS PROVIDED UNDER R-3 SINGLE FAMILY WITH THE FOLLOWING STIPULATIONS: (1) THAT THE 1,500 SQUARE FOOT LIVING AREA REQUIREMENT SHALL BE PROVIDED BY DEED RESTRICTION BY THE DEVELOPER AND SHALL BE APPROVED BY THE CITY ATTORNEY; (2) ALL HOMES SHALL HAVE REAR OR SIDE-ENTRY GARAGES; (3) ALL UTILITIES EXCEPT FOR PERIMETER LINES OTHER THAN THE ALLEY BETWEEN THIS LAND AND THE WOODLAWN PARK ADDITION SHALL BE UNDERGROUND. (IT IS EXPRESSLY UNDERSTOOD THAT UNDERGROUND UTILITIES ARE REQUIRED IN SAID ALLEY); SAID PROPERTY GENERALLY BOUNDED BY THE WOODLAWN PARK ADDITION, SKYLINE DRIVE, TOWN EAST BOULEVARD, FORNEY ROAD AND SOUTH PARKWAY, 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 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:

00178

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 from Industrial to R-2 Single Family Residential provided, however, that lot sizes and dimensions shall have that minimum as provided under R-3 Single Family with the following stipulations: (1) That the 1,500 square foot living area requirement shall be provided by deed restriction by the developer and shall be approved by the City Attorney; (2) All homes shall have rear or side-entry garages; (3) All utilities except for perimeter lines other than the alley between this land and the Woodlawn Park Addition shall be underground. (It is expressly understood that underground utilities are required in said alley); said property generally bounded by the Woodlawn Park Addition, Skyline Drive, Town East Boulevard, Forney Road and South Parkway, 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.

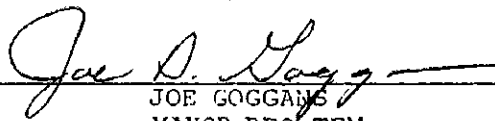
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision hereof other than the part so decided 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.

CC179

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.

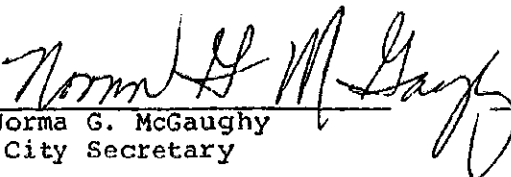
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of October, A.D., 1978.



JOE GOGGANS
MAYOR PRO TEM

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

00180

EXHIBIT "A"
TRACT "A"

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being a part of the Daniel Tanner Survey, Abstract 1462, and also being a part of the tract of parcel of land conveyed to Caroline Hunt Trust Estate, by deed recorded in Volume 5933, Page 267, of the Deed Records of Dallas County, Texas; and also being all of a tract of land conveyed to Jerry E. Davis as recorded in Volume 3798, Page 408, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner in the intersection of the Southeasterly line of Forney Road (60 feet wide) and the Northeasterly line of Town East Boulevard (100 feet wide);

THENCE North $45^{\circ} 00' 00''$ East along the Southeasterly line of Forney Road a distance of 1830.35 feet to a point for corner in the Southwesterly line of South Parkway (50 feet wide);

THENCE South $45^{\circ} 03' 00''$ East along the Southwesterly line of South Parkway a distance of 620.84 feet to the beginning of a curve to the right;

THENCE in a Southeasterly direction and continuing along the Southwesterly line of South Parkway and along said curve to the right having a radius of 1005.68 feet and a central angle of $11^{\circ} 05' 20''$ and an arc length of 194.64 feet to the end of said curve to the right;

THENCE South $33^{\circ} 57' 40''$ East along the Southwesterly line of South Parkway a distance of 119.61 feet to the beginning of a curve to the left;

THENCE in a Southeasterly direction along the Southwesterly line of South Parkway and along said curve to the left having a radius of 262.22 feet and a central angle of $53^{\circ} 38' 05''$ and an arc distance of 245.47 feet to the end of said curve to the left;

THENCE South $87^{\circ} 35' 45''$ East along the Southwesterly line of South Parkway a distance of 347.81 feet to the beginning of a curve to the right;

THENCE in a Southeasterly direction along the Southwesterly line of South Parkway and along said curve to the right having a radius of 225.12 feet and a central angle of $43^{\circ} 36' 05''$ and an arc length of 171.31 feet to the end of said curve to the right.

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EXHIBIT "A"
TRACT "A"
PAGE 2

THENCE South $43^{\circ} 59' 40''$ East along the Southwesterly line of South Parkway a distance of 307.66 feet to a point for corner in the Northwesterly line of the Dallas Power and Light Company 125.00 foot right-of-way;

THENCE South $44^{\circ} 56' 45''$ West along the Northwesterly line of said Dallas Power and Light Company Right-of-way a distance of 2149.52 feet to a point for corner in the Northeasterly line of Town East Boulevard;

THENCE North $44^{\circ} 48' 15''$ West along the Northeasterly line of Town East Boulevard a distance of 1881.37 feet to the POINT OF BEGINNING and containing 83.0400 acres.

C0183

EXHIBIT "A"
TRACT "B"

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being part of the Daniel Tanner Survey, Abstract 1462, and also being part of the tract of land conveyed to Caroline Hunt Trust Estate by deed recorded in Volume 5122, Page 195, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the North-easterly line of Town East Boulevard (100 feet wide) and the South-easterly line of a 125 foot wide Dallas Power and Light Company right-of-way;

THENCE North $44^{\circ} 56' 45''$ East along the Southeasterly line of said Dallas Power and Light right-of-way a distance of 2147.75 feet to a point for corner in the Southwesterly line of South Parkway (50 feet wide);

THENCE South $43^{\circ} 59' 40''$ East along the Southwesterly line of South Parkway a distance of 163.22 feet to the beginning of a curve to the left;

THENCE in a Southeasterly and Easterly direction along the Southwesterly and Southerly line of South Parkway and along said curve to the left having a radius of 229.52 feet a central angle of $32^{\circ} 42' 00''$ and an arc length of 130.99 feet to the end of said curve to the left;

THENCE South $76^{\circ} 41' 40''$ East along the Southerly line of South Parkway a distance of 158.05 feet to the beginning of a curve to the right;

THENCE in an Easterly direction continuing along the Southerly line of South Parkway and along said curve to the right having a radius of 665.39 feet, a central angle of $16^{\circ} 29' 00''$ and an arc length of 191.43 feet to the end of said curve to the right;

THENCE South $60^{\circ} 12' 40''$ East continuing along the Southerly line of South Parkway a distance of 57.06 feet to a point for corner;

THENCE South $22^{\circ} 11' 25''$ West along the Northwest line of a tract of land conveyed to the Rosewood Corporation as recorded by deed dated July 25, 1975, in the Deed Records of Dallas County, Texas, a distance of 1472.32 feet to an angle point;

C0186

EXHIBIT "A"
TRACT "B"
PAGE 2

THENCE South $23^{\circ} 42' 50''$ West along said Northwest line of said tract conveyed to the Rosewood Corporation a distance of 752.26 feet to a point for corner in the Northerly line of Skyline Boulevard (60 feet from centerline);

THENCE in a Westerly direction along the Northerly line of Skyline Boulevard and along a curve to the left whose tangent bears South $89^{\circ} 12' 26''$ and having a radius of 660.00 feet, a central angle of $17^{\circ} 36' 00''$ and an arc length of 202.74 feet to the end of said curve to the left;

THENCE South $71^{\circ} 36' 25''$ West continuing along the Northerly line of Skyline Boulevard a distance of 204.56 feet to a point for corner at the intersection of the Northerly line of Skyline Boulevard and the Easterly Line of Town East Boulevard (100 feet wide);

THENCE in a Northerly and Northwesterly direction along the Easterly and Northeasterly line of Town East Boulevard and along a curve to the left whose tangent bears North $23^{\circ} 25' 01''$ West, having a radius of 700.00 feet, a central angle of $21^{\circ} 23' 14''$ and an arc length of 261.20 feet to the end of said curve to the left;

THENCE North $44^{\circ} 48' 15''$ West along the Northeasterly line of Town East Boulevard a distance of 1030.49 feet to the POINT OF BEGINNING and containing 58.706 acres.