

ORDINANCE NO. 1481

Appl. No. 809-3

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 TO R-1A PLANNED DEVELOPMENT RESIDENTIAL ZONING WITH THE FOLLOWING STIPULATION: (1) THAT HOUSES SHALL HAVE A MINIMUM OF 1,800 SQUARE FEET WITH THE PROVISION THAT 30 OF THESE HOUSES SHALL HAVE A MINIMUM OF 1,700 SQUARE FEET AND THAT NONE OF THESE 30 HOUSES SHALL ABUT THE EXISTING PALOS VERDES ADDITION; SAID PROPERTY BEING LOCATED 440 FEET WEST OF THE PALOS VERDES DRIVE AND BARNES BRIDGE ROAD INTERSECTION, 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 to R-1A Planned Development Residential Zoning with the following stipulation: (1) That houses shall have a minimum of 1,800 square feet with the provision that 30 of these

houses shall have a minimum of 1,700 square feet and that none of these 30 houses shall abut the existing Palos Verdes Addition; said property being located 440 feet west of the Palos Verdes Drive and Barnes Bridge Road Intersection, 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.

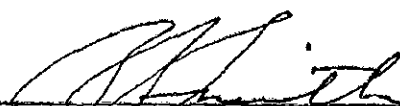
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided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

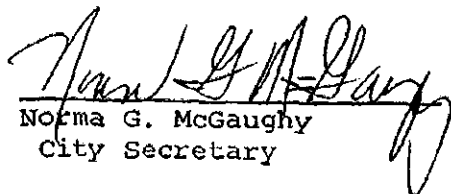
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of January, A.D., 1979.



E. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

FIELD NOTES

Being a tract of land lying and being situated in the W. J. LITTLE SURVEY, ABSTRACT NO. 809 and being a part of that land conveyed to Tavenner C. Lupton, Jr. by deed dated 10 November 1954 and filed in Volume 4144, Page 265 and by deed dated 16 November 1954 and filed in Volume 4144, Page 258 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the South line of Barnes Bridge Road and the West line of Palos Verdes Drive; thence N 89° 55' 30" W, along the South line of Barnes Bridge Road 440.72 feet to the POINT OF BEGINNING;

THENCE S 1° 16' W, along the West line of a tract of land owned by Ralton and along the West line of Palos Verdes Estates No. 4, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 76082, Page 0555, 1711.98 feet to the North line of T.P. & L. Co. right-of-way, an iron stake for corner;

THENCE N 89° 26' 45" W, along the North line of the T.P. & L. Co. right-of-way, 1015.00 feet to an iron stake for corner;

THENCE N 0° 49' 30" E, along the West line of the Lupton land, 1704.77 feet to a point in the South line of Barnes Bridge Road, an iron stake for corner;

THENCE S 89° 50' 30" E, along the South line of Barnes Bridge Road (60' R.O.W.), 1028.25 feet to the point of beginning and containing 40.06 acres of land more or less.

The undersigned does hereby certify that this plat was prepared from an actual and accurate survey on the ground of the land described above, and that all rights-of-way and easements known to the undersigned and pertaining to the property are shown as recorded, and there are no encroachments, conflicts or protrusions EXCEPT as shown.

R. B. Baker

R. B. Baker, Registered Public Surveyor
For M. E. Bennett Engineers, Inc.

