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ORDINANCE NO. 1486

Appl. No. 1362-15

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 PD-TOWNHOUSE TO OFFICE WITH THE STIPULATIONS THAT (1) AN EARTHEN CHANNEL BE ALLOWED SUBJECT TO RECEIPT OF A LETTER FROM L & N CONSULTANTS ASSURING MAINTENANCE OF THE SUBJECT DRAINAGE WAY BY THE DEVELOPER FOR A ONE-YEAR PERIOD, BEGINNING UPON THE DAY OF COMPLETION AND ACCEPTANCE BY THE CITY; (2) AND FURTHER THAT FRONT-ENTRY GARAGES SHALL BE PERMITTED ON LOTS 16, 17, and 18 ADJACENT TO THE OFFICE TRACT AND LOTS 22 THROUGH 33 ADJACENT TO THE DRAINAGE WAY, ONLY; AND ALL OTHER LOTS SHALL BE REQUIRED TO HAVE REAR-ENTRY FROM THE ALLEY; SAID TRACT LOCATED 1240' NORTHWEST OF THE TOWN EAST AND MOTLEY DRIVE 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 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:

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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 the Zoning Map of the City of Mesquite so as to grant a change from PD-Townhouse to Office with the stipulations that (1) An earthen channel be allowed subject to receipt of a letter from L & N Consultants assuring maintenance of the subject drainage way by the developer for a one-year period, beginning upon the day of completion and acceptance by the City; (2) and further that front-entry garages shall be permitted on Lots 16, 17, and 18 adjacent to the office tract and lots 22 through 33 adjacent to the drainage way, only; and all other lots shall be required to have rear-entry from the alley; said tract being located 1240' Northwest of the Town East and Motley Drive 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 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 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.

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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.

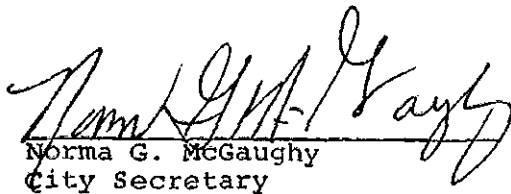
DULY PASSED AND APPROVED BY THE City Council of the City of Mesquite, Texas, on the 5th day of February, 1979.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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OFFICE TRACT

and a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being part of the T.D. Sackett Survey, Abstract 1362, and being part of that tract of land conveyed to Lomas and Nettleton Financial Corporation by deed recorded in Volume 74192, Page 1170, 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 northeasterly right-of-way line of Rustown Drive (60.00 feet wide) and the northwesterly right-of-way line of Town East Boulevard (30.00 feet wide);

THENCE North $48^{\circ} 48' 00''$ West along the said northeasterly right-of-way line of Rustown Drive a distance of 264.16 feet to a point for corner;

THENCE North $33^{\circ} 54' 00''$ East a distance of 356.44 feet to the beginning of a curve to the right;

THENCE in a northeasterly direction along said curve to the right having a radius of 97.00 feet, a central angle of $10^{\circ} 36' 00''$ and an arc length of 17.95 feet to the end of said curve to the

THENCE North $44^{\circ} 30' 00''$ East a distance of 426.60 feet to a point for corner;

THENCE South $45^{\circ} 11' 00''$ East a distance of 267.11 feet to a point for corner, said point being on the said northwesterly right-of-way line of Town East Boulevard;

THENCE South $44^{\circ} 49' 00''$ West along the said northwesterly right-of-way line of Town East Boulevard a distance of 223.51 feet to the beginning of a curve to the left;

THENCE in a southwesterly direction continuing along the said northwesterly right-of-way line of Town East Boulevard and along said curve to the left, having a radius of 1,730.41 feet, a central angle of $10^{\circ} 25' 00''$ and an arc length of 316.05 feet to the end of said curve to the

THENCE South $34^{\circ} 24' 00''$ West continuing along the said northwesterly right-of-way line of Town East Boulevard a distance of 136.62 feet to the beginning of a curve to the right;

THENCE in a southwesterly direction continuing along the said northwesterly right-of-way line of Town East Boulevard and along said curve to the right, having a radius of 1,179.59 feet, a central angle of $5^{\circ} 12' 30''$ and an arc length of 106.59 feet to the **POINT OF BEGINNING** and containing 212,545 square feet, more or less, or 4.8794 acres.