

ORDINANCE NO. 1505

Appl. No. 1095-14

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 R-2, R-3, PD-COMMERCIAL (1341) AND PD-TOWNHOUSE (936) TO PD-SINGLE FAMILY RESIDENTIAL (TRACT 1), PD-GENERAL RETAIL (TRACTS 2, 5 & 7), PD-MULTIFAMILY AT 30 UNITS PER ACRE (TRACTS 3 & 8) COMMERCIAL (TRACT 4) AND OFFICE (TRACT 6) ON A TRACT LOCATED SOUTH OF TOWN EAST BLVD., AND EAST OF TOWN EAST MALL, 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 (\$200.00) DOLLARS 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 R-2, R-3, PD-COMMERCIAL (1341) AND PD-TOWNHOUSE (936) TO PD-SINGLE FAMILY RESIDENTIAL (TRACT 1), PD-GENERAL RETAIL (TRACTS 2, 5 & 7), PD-MULTIFAMILY AT 30 UNITS PER ACRE (TRACTS 3 & 8) COMMERCIAL (TRACT 4) AND OFFICE (TRACT 6) on a tract located south of Town East Blvd., and East of Town East Mall, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto and made a part of this ordinance.

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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.

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 7th day of May, A.D., 1979.


LEN GIBBENS
MAYOR PRO Tem

ATTEST:


Norma G. McLaughly
City Secretary

APPROVED AS TO FROM:

Elland Archer
City Attorney

TRACT NO. 1
79.0160 ACRE TRACT
P. D. SINGLE FAMILY

CC141

Being a tract of land situated in the John T. Nelms Survey, Abstract No. 1095, Z. Motley Survey, Abstract No. 1007 and H. Harter Survey, Abstract No. 594 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set in the Northeast line of Gus Thomasson Road, (60' R.O.W.), said point also being the West corner of a certain 21.6 acre tract called Tract No. 3 in Partition Deed to Nathan L. Galloway, dated August 28, 1976, recorded in Volume 76169, Page 3004 of the Deed Records of Dallas County, Texas;

THENCE North $44^{\circ} 46' 22''$ West along Northeast line of said Gus Thomasson Road a distance of 1889.32 ft. to a concrete monument for a corner at the Southwest corner of a Dallas Power & Light Co. Easement recorded on September 20, 1961, Vol. 5629, Page 404;

THENCE North $45^{\circ} 06' 23''$ East along South line of said D.P. & L, Easement a distance of 1139.87 ft. to a point for a corner;

THENCE South $44^{\circ} 53' 37''$ East a distance of 260.0 ft. to a point for a corner;

THENCE North $45^{\circ} 06' 23''$ East a distance of 805.0 ft. to a point for a corner;

THENCE South $44^{\circ} 53' 37''$ East a distance of 616.17 ft. to a point of curvature of a circular curve to the left having a central angle of $44^{\circ} 57' 09''$, a radius of 561.23 ft., a tangent of 232.20 ft. and an arc length of 440.32 ft. to a point for a corner;

THENCE South $0^{\circ} 09' 14''$ West a distance of 873.59 ft. to a point for a corner;

THENCE South $45^{\circ} 07' 43''$ West a distance of 1494.67 ft. to the Point of Beginning of this tract and containing 78.0610 Gross Acres (3,400,336 Sq. Ft.) less 1.5702 Acres for Proposed R.O.W. leaving a net acreage of 76.4908 acres (3,331,940 S.F.) of land.

CG142

TRACT NO. 2
11.1749 ACRE TRACT
P. D. MULTIFAMILY

Being a tract of land situated in the John T. Nelms Survey, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of reference being an iron rod set in the Northeast line of Gus Thomasson Road (60 ft. R.O.W.), said point being the West corner of a certain 21.6 acre tract called Tract No. 3 in Partition Deed to Nathan L. Galloway, dated August 28, 1976, as recorded in Volume 76169, Page 3004 of the Deed Records of Dallas County, Texas; Thence North $45^{\circ} 07' 43''$ East a distance of 1494.67 ft. to a point for a corner; Thence North $0^{\circ} 09' 14''$ East a distance of 873.59 ft. to the point of Beginning of this tract;

THENCE along a circular curve to the right having a central angle of $44^{\circ} 57' 09''$, a radius of 561.23 ft., a tangent of 232.20 ft. and an arc length of 440.32 ft. to a point of tangency;

THENCE North $44^{\circ} 53' 37''$ West a distance of 616.17 ft. to a point for a corner;

THENCE North $27^{\circ} 24' 15''$ East a distance of 567.77 ft. to a point for a corner;

THENCE North $35^{\circ} 35' 10''$ East a distance of 30.0 ft. to a point for a corner and being on a circular curve to the right having a central angle of $38^{\circ} 47' 53''$, a radius of 700.0 ft., a tangent of 246.50 ft. and an arc length of 474.01 ft. to a point of reverse curvature of a circular curve to the left;

THENCE along circular curve to the left having a central angle of $73^{\circ} 58' 34''$, a radius of 300.0 ft. a tangent of 225.97 ft. and an arc length of 387.34 ft. to a point for a corner;

THENCE South $0^{\circ} 09' 14''$ West a distance of 530.0 ft. to the Point of beginning and containing 11.1749 Gross Acres (486,779 sq. ft.) less 0.5996 acres for Proposed Street R.O.W. leaving a Net Acreage of 10.5753 (460,660 sq. ft.) of land.

TRACT NO. 3
8.2948 ACRE TRACT
P.D. GENERAL RETAIL

CG143

Being a tract of land situated in the John T. Nelms Survey, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of reference being a concrete monument set at the Southwest corner of a 132.3 ft. Dallas Power & Light Easement recorded on September 20, 1961 in Volume 5629, Page 404 and in the Northeast line of Gus Thomasson Rd. (60 ft. R.O.W.); Thence North $45^{\circ} 06' 23''$ East along South line of said Dallas Power & Light Easement a distance of 1139.87 ft. to the Point of Beginning of this tract;

THENCE North $45^{\circ} 06' 23''$ East along South line of said Dallas Power & Light Easement a distance of 534.58 ft. to a concrete monument set for a corner;

THENCE North $27^{\circ} 24' 15''$ East a distance of 783.15 ft. to a point for a corner;

THENCE South $62^{\circ} 35' 45''$ East a distance of 234.57 ft. to a point of curvature of a circular curve to the right having a central angle of $8^{\circ} 10' 55''$, a radius of 700.0 ft., a tangent of 50.07 ft. and an arc length of 99.96 ft. to a point for a corner;

THENCE South $35^{\circ} 35' 10''$ West a distance of 30.0 ft. to a point for a corner;

THENCE South $27^{\circ} 24' 15''$ West a distance of 567.77 ft. to a point for a corner;

THENCE South $45^{\circ} 06' 23''$ West a distance of 805.0 ft. to a point for a corner;

THENCE North $44^{\circ} 53' 37''$ West a distance of 260.0 ft. to the Point of Beginning and containing 9.2498 Gross Acres (402,923 sq.ft.) less 2.0155 Acres for Proposed Street R.O.W. leaving a net acreage of 7.2343 (315,127 sq. ft.) of land.

06144

TRACT NO. 4
33.1146 ACRE TRACT
COMMERCIAL

Being a tract of land situated in the John T. Nelms Survey, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of reference being a concrete monument set at the Southwest corner of a 132.3 ft. Dallas Power & Light Easement recorded on September 20, 1961 in Volume 5629, Page 404 and in the Northeast line of Gus Thomasson Road (60 ft. R.O.W.); Thence North $45^{\circ} 06' 23''$ East a distance of 1674.45 ft. to a concrete monument set for a corner; Thence North $27^{\circ} 24' 15''$ East a distance of 783.15 ft. to the Point of Beginning of this tract;

THENCE North $27^{\circ} 24' 15''$ East a distance of 1450.10 ft. a concrete monument set for a corner in the South line of Town East Blvd. (80 ft. R.O.W.);

THENCE South $89^{\circ} 36' 35''$ East a distance of 449.55 ft. to a point for a corner;

THENCE South $0^{\circ} 23' 25''$ West a distance of 600.0 ft. to a point of curvature of a circular curve to the right having a central angle of $9^{\circ} 38' 29''$, a radius of 2000.0 ft., a tangent of 168.67 ft. and an arc length of 336.55 ft. to a point of reverse curvature of a circular curve to the left;

THENCE along circular curve to the left having a central angle of $9^{\circ} 53' 21''$, a radius of 2000.0 ft., a tangent of 173.03 ft. and an arc length of 345.20 ft. to a point of tangency;

THENCE South $0^{\circ} 08' 33''$ West a distance of 767.81 ft. to a point for a corner;

THENCE North $89^{\circ} 35' 32''$ West a distance of 202.86 ft. to a point of curvature of a circular curve to the right having a central angle of $73^{\circ} 58' 34''$, a radius of 300.0 ft., a tangent of 225.97 ft. and an arc length of 387.34 ft. to a point of reverse curvature of a circular curve to the left.

THENCE along circular curve to the left having a central angle of $46^{\circ} 58' 48''$, a radius of 700.0 ft., a tangent of 304.22 ft. and an arc length of 573.97 ft. to a point of tangency;

THENCE North $62^{\circ} 35' 45''$ West a distance of 234.57 ft. to the Point of beginning and containing 33.1146 Gross Acres (1,442,471 sq. ft.) less 3.8269 Acres for Proposed Street R.O.W. leaving a Net Acreage of 29,2877 (1,275,773 sq. ft.) of land.

00145

TRACT NO. 5
16.6386 ACRE TRACT
P.D. MULTIFAMILY

Being a tract of land situated in the James A. Coats Survey, Abstract No. 339 and John T. Nelms Survey, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of reference being an iron rod set in the Northeast line of Gus Thomasson Rd. (60 ft. R.O.W.), said point also being the West corner of a certain 21.6 acre tract called Tract No. 3 in Partition Deed to Nathan L. Galloway, dated August 28, 1976, as recorded in Volume 76169, Page 3004 of the Deed Records of Dallas, Texas; Thence North $45^{\circ} 07' 43''$ East a distance of 1494.67 ft. to a point for a corner; Thence North $0^{\circ} 09' 14''$ East a distance of 1403.59 ft. to a point for a corner; Thence South $89^{\circ} 35' 32''$ East a distance of 202.86 ft. to the Point of Beginning of this tract;

THENCE North $0^{\circ} 08' 33''$ East, a distance of 756.73 ft. to a point for a corner;

THENCE South $89^{\circ} 51' 27''$ East, a distance of 954.99 ft. to a point for a corner;

THENCE South $0^{\circ} 08' 33''$ West a distance of 761.15 ft. to a point for a corner;

THENCE North $89^{\circ} 35' 32''$ West a distance of 955.0 ft. to the Point of Beginning and containing 16.6386 Gross Acres (724,779 sq. ft.) less 1.1582 Acres for Proposed Street R.O.W. leaving a Net Acreage of 15.4804 (674,325 sq. ft.) of land.

06116

TRACT NO. 6
5.2514 ACRE TRACT
P. D. GENERAL RETAIL

Being a tract of land situated in the James A. Coats Survey, Abstract No. 339 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of reference at the intersection of the South line of Town East Blvd. (80 ft. R.O.W.) and the West line of Proposed Galloway Ave. (100 ft. R.O.W.); Thence South $0^{\circ} 08' 33''$ West a distance of 1152.05 ft. to the Point of Beginning of this tract;

THENCE South $0^{\circ} 08' 33''$ West along West line of said Proposed Galloway Ave. a distance of 1017.19 Ft to an iron rod set for a corner;

THENCE North $89^{\circ} 35' 32''$ West a distance of 225.0 ft. to a point for a corner;

THENCE North $0^{\circ} 08' 33''$ East a distance of 1016.15 ft. to a point for a corner;

THENCE South $89^{\circ} 51' 27''$ East a distance of 225.0 ft. to the Point of Beginning and containing 5.2514 Gross Acres (228,751 sq. ft.) less 0.3099 Acres for Proposed Street R.O.W. leaving a Net Acreage of 4.9415 (215,251 sq. ft.) of land.

TRACT NO. 7
5.5627 ACRE TRACT
OFFICE

08117

Being a tract of land situated in the John T. Nelms Survey, Abstract No. 1095 and the James A. Coats Survey, Abstract No. 339 being in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of reference at the intersection of the South line of Town East Blvd. (80 ft. R.O.W.) and the West line of Proposed Galloway Ave. (100 ft. R.O.W.); Thence South $0^{\circ} 08' 33''$ West along West line of said proposed Galloway Ave. a distance of 1152.05 ft. to a point for a corner; Thence North $89^{\circ} 51' 27''$ West a distance of 225.0 ft. to the Point of Beginning of this tract;

THENCE South $0^{\circ} 08' 33''$ West a distance of 255.0 ft. to a point for a corner;

THENCE North $89^{\circ} 51' 27''$ West a distance of 954.99 ft. to a point for a corner;

THENCE North $0^{\circ} 08' 33''$ East a distance of 11.08 ft. to a point of curvature of a circular curve to the right having a central angle of $7^{\circ} 0' 19''$, a radius of 2000.0 ft., a tangent of 122.42 ft. and an arc length of 244.52 ft. to a point for a corner;

THENCE South $89^{\circ} 51' 27''$ East a distance of 940.06 ft. to the Point of Beginning and containing 5.5627 Gross Acres (242,310 sq. ft.) less 0.8039 Acres for Proposed Street R.O.W. leaving a Net Acreage of 4,7588 (207,293 sq. ft.) of land.

00118

TRACT NO. 8
21.0909 ACRE TRACT
P.D. GENERAL RETAIL

Being a tract of land situated in the James A. Coats Survey, Abstract No. 339 and the John T. Nelms Survey, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of reference at the intersection of the South line of Town East Blvd. (80 ft. R.O.W.) and the west line of Proposed Galloway Ave. (100 ft. R.O.W.); Thence South $0^{\circ} 08' 33''$ West a distance of 502.05 ft. to the Point of Beginning of this tract;

THENCE South $0^{\circ} 08' 33''$ West a distance of 650.0 ft. to a point for a corner;

THENCE North $89^{\circ} 81' 27''$ West a distance of 1165.06 ft. to a point for a corner and being a circular curve to the right;

THENCE along a circular curve to the right having a central angle of $2^{\circ} 53' 02''$ a radius of 2000.0 ft., a tangent of 50.55 ft. and an arc length of 100.67 ft. to a point of reverse curvature of a circular curve to the left;

THENCE along a circular curve to the left having a central angle of $9^{\circ} 38' 29''$, a radius of 2000.0 ft., a tangent of 168.67 ft. and an arc length of 336.55 ft. to a point of tangency;

THENCE North $0^{\circ} 23' 25''$ East a distance of 600.0 ft. to a point for corner in the South line of Town East Blvd. (80 ft. R.O.W.);

THENCE South $89^{\circ} 36' 35''$ East along South line of said Town East Blvd. a distance of 475.0 ft. to an iron rod for a corner;

THENCE South $0^{\circ} 19' 24''$ West a distance of 378.82 ft. to an iron rod for a corner;

THENCE South $89^{\circ} 32' 38''$ East a distance of 644.19 ft. to the Point of Beginning and containing 21.0909 Gross Acres (918,720 sq. ft.) less 1.4945 Acres for Proposed Street R.O.W. leaving a Net Acreage of 19.5964 (853,619 sq. ft.) of land.

FIELD NOTES
180.1439 ACRE TRACT

Being a tract of land situated in the John T. Nelms Survey, Abstract No. 1095, Z. Motley Survey, Abstract No. 1007, H. Harter Survey, Abstract No. 594 and the James A. Coats Survey, Abstract No. 339 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set in the Northeast line of Gus Thomasson Road (60' R.O.W.), said point being the West corner of a certain 21.6 acre tract called Tract No. 3 in Partition Deed to Nathan L. Galloway, dated August 28, 1976, recorded in Volume 76169, Page 3004 of the Deed Records of Dallas County, Texas;

THENCE North $44^{\circ} 46' 22''$ West along Northeast line of said Gus Thomasson Road a distance of 1889.32 ft. to a concrete monument for a corner said point also being at the Southwest corner of a 132.3 ft. D.P. & L. Easement recorded on September 20, 1961, at Vol. 5629, Page 404;

THENCE North $45^{\circ} 06' 23''$ East along South line of said 132.3 ft. D.P. & L. Easement a distance of 1674.45 ft. to a concrete monument for a corner;

THENCE North $27^{\circ} 24' 15''$ East a distance of 2233.25 ft. to a concrete monument for a corner in the South line of Town East Blvd. (80 ft. R.O.W.);

THENCE South $89^{\circ} 36' 35''$ East along South line of said Town East Blvd. a distance of 924.55 ft. to an iron rod set for a corner;

THENCE South $0^{\circ} 19' 24''$ West a distance of 378.82 ft. to an iron rod set for a corner;

THENCE South $89^{\circ} 32' 38''$ East a distance of 644.19 ft. to an iron rod set for a corner;

THENCE South $0^{\circ} 08' 33''$ West a distance of 1667.19 ft. to an iron rod set for a corner;

THENCE North $89^{\circ} 35' 32''$ West a distance of 1382.86 ft. to a point for a corner;

THENCE South $0^{\circ} 09' 14''$ West a distance of 1403.59 ft. to a point for a corner;

THENCE South $45^{\circ} 07' 43''$ West a distance of 1494.67 ft. to the point of Beginning of this certain 180.1439 acres (7,847.070 sq. ft.) of land.

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