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ORDINANCE NO. 1555

Appl. No. 339-2

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-1 SINGLE FAMILY AND PLANNED DEVELOPMENT TOWNHOUSE TO PLANNED DEVELOPMENT SINGLE FAMILY ON TRACT 1 WITH THE STIPULATION THAT HOMES CONTAIN A MINIMUM OF 1500 SQUARE FEET OF LIVING AREA ON LOTS A MINIMUM OF 7200 SQUARE FEET IN SIZE, AND PLANNED DEVELOPMENT APARTMENT ON TRACTS 2 AND 3 AT A MAXIMUM OF 30 UNITS PER ACRE ON A TRACT LOCATED SOUTHEAST OF THE GALLOWAY, TOWN EAST BOULEVARD 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 change 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-1 Single Family and Planned Development Townhouse to Planned Development Single Family on Tract 1 with the stipulation that homes contain a minimum of 1500 square feet in size, and planned development apartment on tracts 2 and 3 at a maximum of 30 units per acre on a tract located southeast of the Galloway, Town East Boulevard Intersection, 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 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.

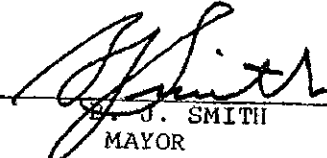
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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.

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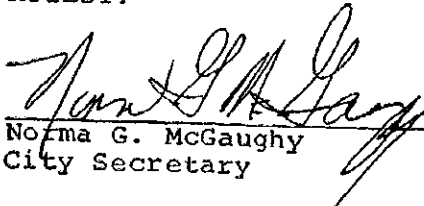
DULY PASSED AND APPROVED BY THE City Council of the City
of Mesquite, Texas, on the 5th day of November, A.D., 1979.



J. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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FIELD NOTES
TRACT 1

Being a tract of land lying and being situated in the James A. Coats Survey, Abstract No. 339, Dallas County, Texas;

BEGINNING at a point in the Easterly line of the James A. Coats Survey, Abstract No. 339, said point being 975.00 ft., South $01^{\circ} 19' 01''$ West from the Southerly R.O.W. of Town East Blvd., an 80 ft. R.O.W.;

THENCE South $01^{\circ} 19' 01''$ West, along said survey line for a distance of 1640.22 ft. to a point for a corner;

THENCE North $88^{\circ} 27' 07''$ West for a distance of 468.77 ft. to a point for a corner;

THENCE North $01^{\circ} 23' 12''$ East for a distance of 106.28 ft. to the point of curvature of a curve to the left having a radius of 450.00 ft., a central angle of $90^{\circ} 23' 32''$, a tangent length of 453.09 ft.;

THENCE along said curve for an arc length of 709.94 ft. to the point of tangency of said curve;

THENCE North $89^{\circ} 00' 20''$ West for a distance of 223.60 ft. to a point for a corner;

THENCE North $01^{\circ} 19' 01''$ East for a distance of 128.63 ft. to a point for a corner;

THENCE North $88^{\circ} 59' 22''$ West for a distance of 175.00 ft. to a point for a corner;

THENCE North $01^{\circ} 19' 01''$ East for a distance of 368.01 ft. to a point for a corner;

THENCE South $88^{\circ} 59' 22''$ East a distance of 175.00 ft. to a point for a corner;

THENCE North $01^{\circ} 19' 01''$ East for a distance of 580.00 ft. to a point for a corner;

THENCE South $88^{\circ} 59' 22''$ East for a distance of 1144.78 ft. to the POINT OF BEGINNING, and containing 36.8219 Acres (or 1,603,961 sq. ft.) of land.



David E. Pierson

David E. Pierson
Registered Professional Engineer

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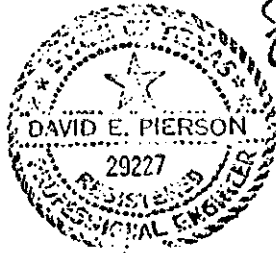
FIELD NOTES
TRACT 2

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

COMMENCING at the intersection of the South R.O.W. line of Town East Blvd. a 80 ft. R.O.W., and the East R.O.W. line of Galloway Street a 100 ft. R.O.W.; Thence South $00^{\circ} 43' 28''$ West, along said R.O.W. line of Galloway Street a distance of 550.08 ft. to the Point of Beginning; Thence continuing along course last described along said R.O.W. line of a distance of 473.86 ft.; THENCE South $89^{\circ} 00' 20''$ East a distance of 689.16 ft. to a point for a corner; THENCE North $01^{\circ} 19' 01''$ East a distance of 473.67 ft. to a point for a corner; THENCE North $88^{\circ} 59' 22''$ West a distance of 694.05 ft. to the East R.O.W. line of Galloway Street and the Point of Beginning and containing 7.5219 acres (327,656 sq. ft.) of land.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS.



David E. Pierson

David E. Pierson
Registered Professional Engineer

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FIELD NOTES
TRACT 2

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The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS.



David E. Pierson

David E. Pierson
Registered Professional Engineer

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FIELD NOTES
TRACT 3

Being a tract of land lying and being situated in the James O. Dollins Survey, Abstract No. 423 in Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the South R.O.W. line of Town East Blvd. a 80 ft. R.O.W., and the West line of the S. A. & M. G. Railroad Survey, Abstract No. 1400; Thence South $01^{\circ} 19' 01''$ West, along the West line of said survey for 2615.22 ft. to the Southwest corner of said survey; Thence South $89^{\circ} 46' 55''$ East along the South line of said survey a distance of 600.00 ft. to the Point of Beginning;

THENCE continuing along course last described and along the South line of said survey a distance of 938.85 ft. to a point for a corner;

THENCE South $00^{\circ} 48' 21''$ West a distance of 649.79 ft. to a point for a corner;

THENCE North $89^{\circ} 00' 30''$ West a distance of 830.55 ft. to a point for a corner;

THENCE North $28^{\circ} 36' 47''$ West a distance of 216.34 ft. to a point for a corner;

THENCE North $05^{\circ} 53' 13''$ East a distance of 150.00 ft. to a point for a corner;

THENCE North $02^{\circ} 06' 47''$ West a distance of 300.00 ft. to the Point of Beginning and containing 13.5474 acres (or 590,126 sq. ft.) of land.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS.



David E. Pierson

David E. Pierson
Registered Professional Engineer