

ORDINANCE NO. 1580

CG 157

Appl. Nos. 656-1, 1353-10
1353-11, 1353-12

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 GENERAL RETAIL TO R-3 ON TRACT I, FROM PLANNED DEVELOPMENT FOR TOWNHOUSES TO R-3 ON TRACT II, FROM R-2 TO R-3 ON TRACT III WITH THE STIPULATION THAT SINGLE-FAMILY RESIDENCES IN EACH TRACT HAVE A MINIMUM LIVING AREA OF 1,400 SQUARE FEET, AND FROM PLANNED DEVELOPMENT FOR TOWNHOUSES TO GENERAL RETAIL ON TRACT IV LOCATED ON PROPERTY NORTH AND WEST OF THE KEARNEY STREET/STATE HIGHWAY 352 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 (\$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 publications 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, 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 of zoning from General Retail to R-3 on Tract I, from Planned Development for Townhouses to R-3 on Tract II, from R-2 to R-3 on Tract III with the stipulation that single-family residences in each tract have a minimum living area of 1,400 square feet, and from Planned Development for Townhouses to General Retail on Tract IV located on property North and West of the Kearney Street/State Highway 352 Intersection, City of Mesquite, Dallas County, Texas.

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

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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.

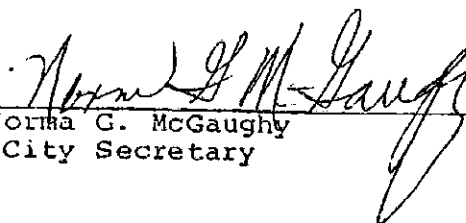
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 24th day of March, A.D., 1980.



E. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

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FIELD NOTES
TRACT I

Being a tract of land situated in the Thomas Scott Survey, Abstract No. 1353 Mesquite, Texas, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the North line of Kearney St. (80 ft. R.O.W.) and the Northwest line of State Highway 352 (100 ft. R.O.W.); Thence South $74^{\circ} 39' 30''$ West a distance of 567.67 ft. to a point for a corner; Thence South $78^{\circ} 13' 30''$ West a distance of 604.48 ft. to a point for a corner; Thence South $89^{\circ} 24' 30''$ West a distance of 396.18 ft. to a point for a corner; Thence North $0^{\circ} 35' 30''$ West a distance of 213.01 ft. to the Point of Beginning;
THENCE South $89^{\circ} 24' 30''$ West a distance of 1683.49 ft. to a point for a corner;
THENCE South $0^{\circ} 35' 30''$ East a distance of 213.01 ft. to a point for a corner in the North line of said Kearney Street;
THENCE South $89^{\circ} 24' 30''$ West along the North line of said Kearney Street a distance of 316.0 ft. to a point for a corner;
THENCE North $0^{\circ} 52'$ East a distance of 410.14 ft. to a point for a corner;
THENCE North $89^{\circ} 24' 30''$ East a distance of 1989.05 ft. to a point for a corner;
THENCE South $0^{\circ} 35' 30''$ East a distance of 197.0 ft. to the Point of Beginning and containing 10.5388 Acres (459,070 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

FIELD NOTES
TRACT II

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Being a tract of land situated in the Thomas Scott Survey, Abstract No. 1353 Mesquite, Texas, Dallas County, Texas and being more particularly described as follows:

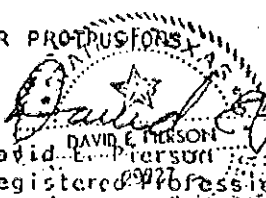
BEGINNING at the intersection of the North line of Kearney St. (80 ft. R.O.W.) and the Northwest line of State Highway 352 (100 ft. R.O.W.); Thence North $39^{\circ} 31' 30''$ East along the Northwesterly line of said State Highway 352 a distance of 175.97 ft. to a point for a corner; Thence North $1^{\circ} 50'$ East a distance of 116.96 ft. to the Point of Beginning;

THENCE South $74^{\circ} 39' 30''$ West a distance of 739.47 ft. to a point for a corner;
THENCE South $78^{\circ} 13' 30''$ West a distance of 576.96 ft. to a point for a corner;
THENCE South $89^{\circ} 24' 30''$ West a distance of 375.37 ft. to a point for a corner;
THENCE North $0^{\circ} 35' 30''$ West a distance of 197.0 ft. to a point for a corner;
THENCE South $89^{\circ} 24' 30''$ West a distance of 540.0 ft. to a point for a corner;
THENCE North $0^{\circ} 35' 30''$ West a distance of 338.22 ft. to a point of curvature of a circular curve to the right having a central angle of $36^{\circ} 05' 30''$, a radius of 767.33 ft., a tangent of 250.0 ft. and an arc length of 483.36 ft. to a point of tangency;

THENCE North $35^{\circ} 30'$ East a distance of 710.0 ft. to a point for a corner;
THENCE South $89^{\circ} 16'$ East a distance of 1868.19 ft. to a point for a corner;
THENCE South $6^{\circ} 16'$ West a distance of 216.58 ft. to a point for a corner;
THENCE South $83^{\circ} 44'$ East a distance of 110.0 ft. to a point for a corner;
THENCE South $7^{\circ} 00'$ West a distance of 420.0 ft. to a point for a corner;
THENCE South $65^{\circ} 00'$ West a distance of 200.0 ft. to a point for a corner;
THENCE South $24^{\circ} 00'$ West a distance of 190.0 ft. to a point for a corner;
THENCE South $48^{\circ} 00'$ West a distance of 230.0 ft. to a point for a corner;
THENCE South $66^{\circ} 00'$ East a distance of 190.0 ft. to a point for a corner;
THENCE South $1^{\circ} 50'$ West a distance of 86.58 ft. to the Point of Beginning and containing 70.3280 Acres (3,063,489 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
Registered Professional Engineer

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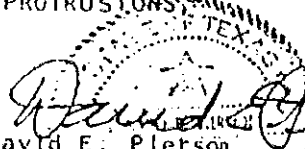
FIELD NOTES
TRACT III

Being a tract of land situated in the S. Houston Survey Abstract No. 656, Mesquite Texas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of the S. Houston Survey Abstract No. 656;
Thence South $89^{\circ} 59'$ West a distance of 2693.92 ft. to the Point of Beginning;
THENCE along a circular curve to the left having a central angle of $34^{\circ} 59'$ a radius of 415.61 ft. a tangent of 130.97 ft. and an arc length of 253.76 ft. to a point of tangency;
THENCE South $35^{\circ} 0'$ East a distance of 250.0 ft. to a circular curve to the right having a central angle of $70^{\circ} 30'$ a radius of 820.0 ft. a tangent of 579.52 ft. and an arc length of 1008.97 feet to the point of tangency;
THENCE South $35^{\circ} 30'$ West a distance of 318.22 ft. to a point for a corner;
THENCE North $55^{\circ} 43' 40''$ West a distance of 334.82 ft. to a point for a corner;
THENCE North $32^{\circ} 30'$ West a distance of 560.0 ft. to a point for a corner;
THENCE North $5^{\circ} 30'$ West a distance of 220.0 ft. to a point for a corner;
THENCE North $22^{\circ} 30'$ West a distance of 400.0 ft. to a point for a corner;
THENCE North $4^{\circ} 0'$ West a distance of 400.0 ft. to a point for a corner;
THENCE North $89^{\circ} 59'$ East a distance of 750.0 ft. to the Point of Beginning and containing 28.2825 Acres (1,231,987 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
Registered Professional Engineer