

ORDINANCE NO. 1645

Appl. No. 1353-13A

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 TO PLANNED DEVELOPMENT FOR DUPLEXES WITH AN 1800 SQUARE FOOT MINIMUM PER UNIT ON EACH SIDE AND THAT NO R-3 SINGLE FAMILY HOMES BE PERMITTED ON A TRACT LOCATED 475 FEET EAST OF THE COOLWOOD LANE AND NEWSOM 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 (\$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 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 to Planned Development for Duplexes with an 1800 square foot minimum per unit on each side and that no R-3 Single Family homes be permitted on a tract located 475 feet east of the Coolwood Lane and Newsom Road Intersection, City of Mesquite, Dallas County, Texas.

00180

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.

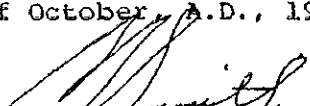
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

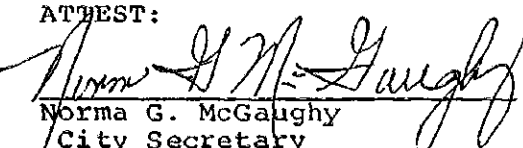
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision hereof other than the part so decided 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 20th day of October, A.D., 1980.

  
\_\_\_\_\_  
B. J. SMITH  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Elland Archer  
City Attorney

STATE OF TEXAS  
COUNTY OF DALLAS

BEING a tract of land situated in the T. Scott Survey, Abstract No. 1353, and being part of a 71.226 acre tract of land conveyed to Randolph Gillum by deed and recorded in Volume 76200, Page 403 of Dallas County Deed Records and being more particularly described as follows:

BEGINNING at an iron rod for a corner on the North line of Newsome Road at the Southwest corner of said 71.226 acre tract;

THENCE North  $07^{\circ}12'$  East with the West line of said 71.226 acre tract 1454.35 feet to an iron rod for a corner on the South line of Scyene Road;

THENCE South  $83^{\circ}34'$  East with the South line of Scyene Road 893.63 feet to an iron rod for a corner;

THENCE South  $69^{\circ}39'40''$  East 128.24 feet to an iron rod for a corner in the center line of Mesquite Creek;

THENCE with the meanders of Mesquite Creek as follows:

South  $26^{\circ}09'17''$  East 191.80 feet to an iron rod for a corner;

South  $60^{\circ}34'38''$  East 219.28 feet to an iron rod for a corner;

South  $46^{\circ}12'16''$  East 151.68 feet to an iron rod for a corner;

South  $89^{\circ}27'28''$  East 66.14 feet to an iron rod for a corner;

THENCE South  $0^{\circ}02'$  East 700.00 feet to an iron rod for a corner;

THENCE South  $13^{\circ}28'37''$  West 217.77 feet to an iron rod for a corner on the North line of Newsome Road;

THENCE South  $89^{\circ}58'$  West with the North line of Newsome Road 1591.36 feet to the Point of Beginning and containing 45.789 acres of land.

00182