

## ORDINANCE NO. 1661

Appl. No. MSq-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 A-2 MULTIFAMILY TO PLANNED DEVELOPMENT FOR TOWNHOUSES WITH A MINIMUM 1400 SQUARE FEET PER UNIT WITH THE STIPULATION THAT HOMES SHALL BE SOLD ON A FEE SIMPLE BASIS; SAID PROPERTY BEING LOCATED ON A TRACT EAST OF NORTH BRYAN AVENUE AND BELT LINE ROAD, 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 A-2 Multifamily to Planned Development for Townhouses with a minimum 1400 square feet per unit with the stipulation that homes shall be sold on a fee simple basis, said property being located on a tract east of North Bryan Avenue and Beltline Road, City of Mesquite, Dallas County, Texas.

00260

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.

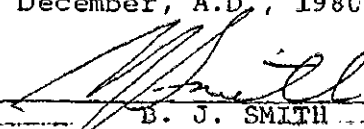
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

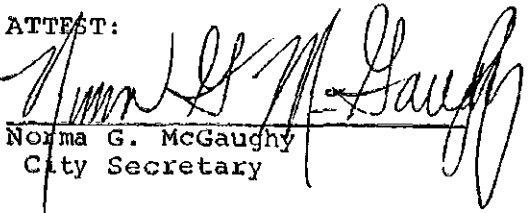
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

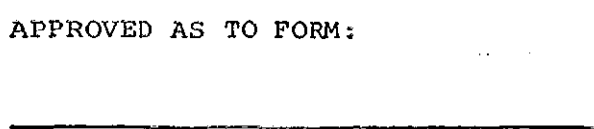
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 15th day of December, A.D., 1980.

  
B. J. SMITH  
MAYOR

ATTEST:  
  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:  
  
Elland Archer  
City Attorney

HEATHER RIDGE

00261

Field Notes:

BEING a tract of land out of the Robert Bethurum Survey, Abstract No. 170, and the M.L. Swing Survey, Abstract No. 1397, situated in the City of Mesquite, Dallas County, Texas. Part of a tract of land conveyed to Conleas, Inc., as described in Volume 80096, Page 1949 and Volume 80180, Page 3455 of the Deed Records of Dallas County, Texas, and a portion of Mesquite Square Subdivision, an addition to the City of Mesquite, Texas as recorded in Volume 72115, Page 1341 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod for corner at the most southerly southwest corner of said Mesquite Square Subdivision in the east right-of-way line (60' ROW) of North Bryan Avenue;

THENCE, N 23° 12' E, with said east line, a distance of 382.29 feet to an iron rod at the point of curvature of a curve to the left having a central angle of 86° 28' 38" and a radius of 180.0 feet;

THENCE, with said east line and said curve, a distance of 271.68 feet to a point for corner;

THENCE, N 23° 12' E a distance of 135.80 feet to an iron rod for corner;

THENCE, N 29° 14' 29" E a distance of 36.20 feet to an iron rod for corner;

THENCE, N 23° 12' E a distance of 7.90 feet to an iron rod for corner;

THENCE, N 89° 31' E a distance of 283.04 feet to an iron rod for corner;

THENCE, N 72° 51' 43" E a distance of 37.60 feet to an iron rod for corner;

THENCE, N 89° 31' E a distance of 136.71 feet to an iron rod for corner in the west right-of-way line of Houston Drive (60' ROW);

THENCE, S 01° 07' E, with said west line, a distance of 755.80 feet to an iron rod for corner at the southeast corner of said Mesquite Square Subdivision;

THENCE, S 89° 28' W, with the south line of said subdivision, a distance of 610.80 feet to the POINT OF BEGINNING and containing 9.171 acres of land, more or less (399,497 square feet).

00262