

APPL. NO. 1025-7

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-3 TO PLANNED DEVELOPMENT SINGLE FAMILY ON A TRACT LOCATED NORTH AND WEST OF THE SOUTH GALLOWAY AVENUE AND NEW MARKET 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 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-3 to Planned Development Single Family on a tract located North and West of the South Galloway Avenue and New Market Road Intersection, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

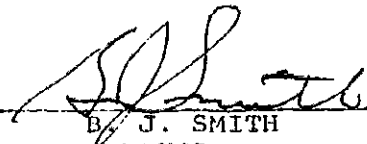
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

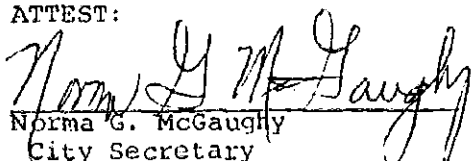
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 6th day of July, A.D., 1981.


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

FIELD NOTES

BEING a tract of land situated in the City of Mesquite, Dallas County, Texas, out of the McKinney and Williams Survey, Abstract No. 1025, and being more particularly described as follows:

BEGINNING at the Southwest corner of a certain one acre tract conveyed to James E. Rutledge by Deed dated June 21, 1949, recorded in Volume 3150, page 383 of the Deed Records of Dallas County, Texas; said point being in the North line of New Market Road, a 60 foot Right-of-Way;

THENCE, West, with the North line of New Market Road, 704.24 feet to the Southeast corner of Lake Park North Installment No. 2, according to the plat thereof recorded in Volume 76186, page 0238 of the Map Records of Dallas County, Texas;

THENCE, North $01^{\circ}13'$ West with the East line of said Lake Park North Installment No. 2, a distance of 595 feet to the Southwest corner of a certain two acre tract conveyed to the First Christian Church by Deed filed September 13, 1955, Volume 4341, page 244 of the Deed Records of Dallas County, Texas;

THENCE, North $89^{\circ}16'08''$ East with the South line of said Church tract, 677.04 feet to its' Southeast corner in the West line of Galloway Avenue, a 100' Right-of-Way, said point being in a curve to the left having a central angle of $04^{\circ}41'13''$, a radius of 1,512.70 feet (radial bearing at this point being N. $61^{\circ}18'13''$ E);

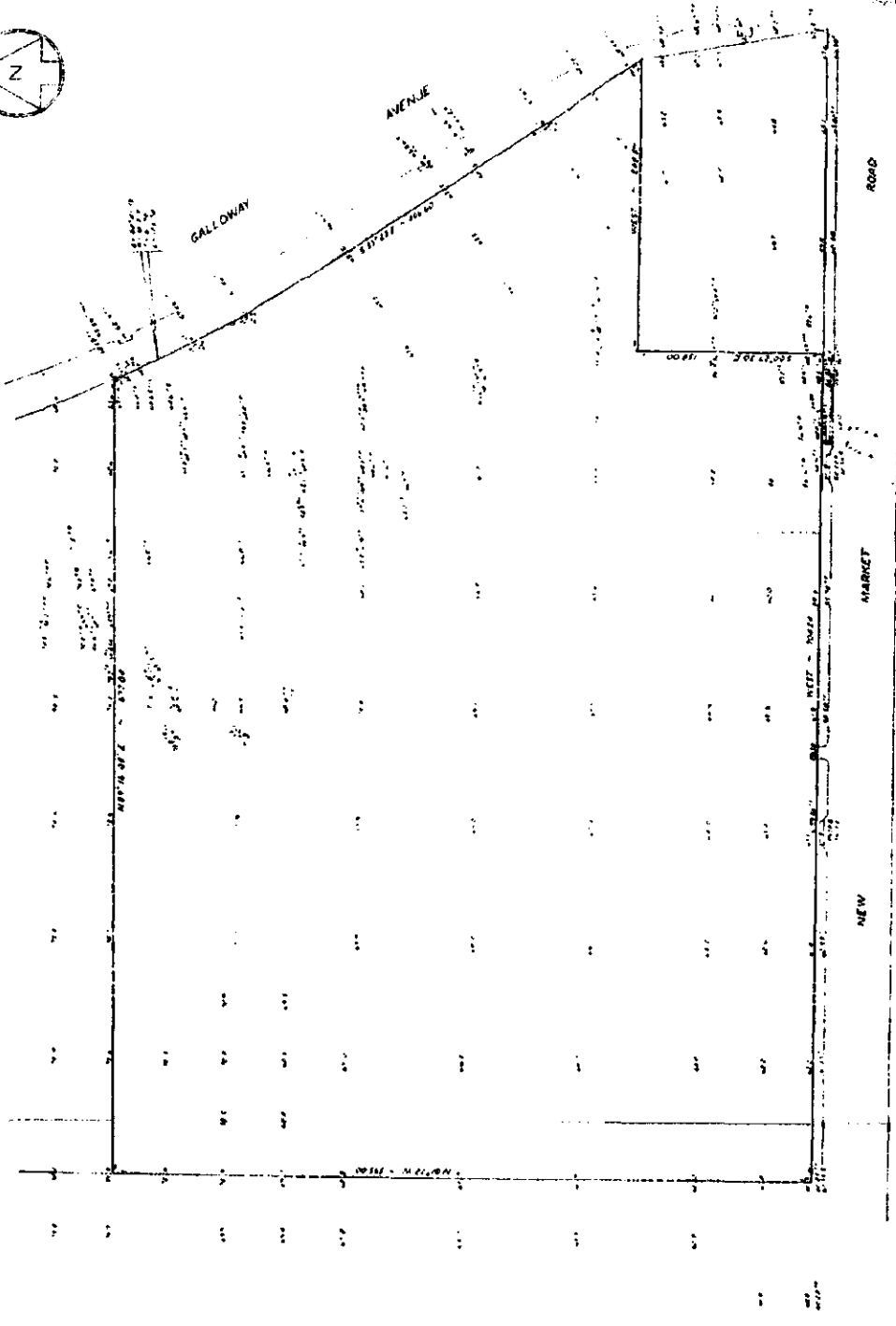
THENCE, Southeasterly with the West line of Galloway Avenue and along said curve to the left, an arc distance of 123.74 feet to the end of said curve;

THENCE, South, $33^{\circ}23'$ East with the West line of Galloway Avenue, 406.60 feet to its' intersection with the North line of said Rutledge one acre tract;

THENCE, West, with the North line of Rutledge one acre tract, 248.89 feet to its' Northwest corner;

THENCE, South $00^{\circ}27'30''$ East with the West line of Rutledge tract, 158 feet to the Place of Beginning and containing 10.812 acres of land, more or less.

00090



TOPOGRAPHIC SURVEY
 MCKINNEY & WILLIAMS SURVEY-ASST. 023
 MESSOURIE, TEXAS
 JOHN C. GIBSON CO. INC. - CONSULTING ENGINEERS
 3420 W. 12th Street, Oklahoma City, Oklahoma 73102
 DATE: 11-1-48
 SHEET NO. 10

NO.	DATE	BY	REVISION
1	11-1-48	J.C.G.	Original