

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 SINGLE FAMILY WITH MINIMUM 1400 SQUARE FOOT HOMES TO R-3 SINGLE FAMILY PERMITTING 25% OF THE HOMES TO HAVE A MINIMUM OF 1,300 SQUARE FEET AND THE REMAINING 75% TO HAVE A MINIMUM OF 1400 SQUARE FEET AND FURTHER THAT ALL LOTS ADJACENT TO THE WEST PROPERTY LINE SHALL HAVE HOMES A MINIMUM OF 1400 SQUARE FEET AND SAID PROPERTY BEING LOCATED 1788 FEET WEST AND NORTH OF THE KEARNEY STREET AND STATE HIGHWAY 352 INTERSECTION, CITY OF MESQUITE, TEXAS, 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

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to grant a change of zoning from R-3 Single Family with minimum 1400 square foot homes to R-3 Single Family permitting 25% of the Homes to have a minimum of 1300 square feet and the remaining 75% to have a minimum of 1400 square feet and further that all lots adjacent to the west property line shall have homes a minimum of 1400 square feet and said property being located 1788 feet west and north of the Kearney Street and State Highway 352 Intersection, City of Mesquite, Texas, 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 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

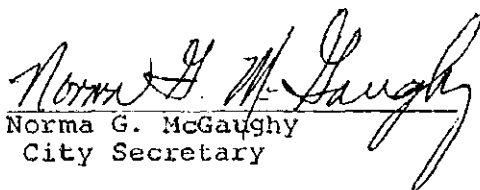
Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of July, A.D., 1981.

  
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B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Elland Archer  
City Attorney

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

COMMENCING at a point of reference at the intersection of the North R.O.W. line of Kearney Street (100 ft. R.O.W.) and the Northwesterly R.O.W. line of State Highway 352 (100 ft. R.O.W.); Thence and along the North R.O.W. line of said Kearney Street; South  $74^{\circ} 28'$  West 567.67 ft.; South  $78^{\circ} 02'$  West 604.39 ft.; and South  $89^{\circ} 14' 35''$  West 616.25 ft. to the true Point of Beginning;

THENCE and continuing along the North R.O.W. line of said Kearney Street South  $89^{\circ} 14' 35''$  West a distance of 60.0 ft. to a point for a corner;

THENCE North  $0^{\circ} 45' 25''$  West a distance of 213.01 ft. to a point for a corner;

THENCE South  $89^{\circ} 14' 35''$  West a distance of 1363.45 ft. to the beginning of a circular curve to the left;

THENCE along said circular curve to the left having a central angle of  $90^{\circ} 00'$ , a radius of 40.00 ft., a tangent of 40.00 ft., and an arc length of 62.83 ft. to the end of said circular curve to the left;

THENCE South  $0^{\circ} 45' 25''$  East a distance of 173.01 ft. to a point for a corner;

THENCE South  $89^{\circ} 14' 35''$  West and along the North R.O.W. line of said Kearney Street a distance of 316.0 ft. to a point for a corner;

THENCE North  $0^{\circ} 43' 07''$  East a distance of 1422.89 ft. to a point for a corner;

THENCE North  $89^{\circ} 03' 29''$  East a distance of 962.65 ft. to a point for the beginning of a circular curve to the left;

THENCE along said circular curve to the left having a central angle of  $24^{\circ} 55' 01''$ , a beginning tangent bearing of South  $22^{\circ} 24' 54''$  East, a radius of 643.28 ft., a tangent length of 142.12 ft., and an arc length of 279.75 ft. to a point of tangency;

THENCE South  $47^{\circ} 19' 55''$  East a distance of 285.00 ft. to a point for the beginning of a circular curve to the left;

THENCE along said curve to the left having a central angle of  $31^{\circ} 04' 01''$ , a radius of 510.88 ft., a tangent length of 142.00 ft. and an arc length of 276.42 ft. to the end of said curve to the left;

THENCE South  $78^{\circ} 19' 55''$  East a distance of 160.31 ft. to a point for a corner;

THENCE South  $77^{\circ} 07' 54''$  East a distance of 60.0 ft. to the beginning of a curve to the left having a beginning tangent of South  $12^{\circ} 52' 05''$  West;

THENCE along said curve to the left having a central angle of  $13^{\circ} 37' 30''$ , a radius of 1372.47 ft., a tangent length of 163.96 ft., and an arc length of 326.38 ft. to the end of said curve to the left;

THENCE South  $0^{\circ} 45' 25''$  East a distance of 500.02 ft. to the POINT OF BEGINNING and containing 43.7017 Acres (1,903,647 sq. ft.)