

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-2 SINGLE FAMILY TO PLANNED DEVELOPMENT MULTIFAMILY AT 25 UNITS PER ACRE ON A TRACT LOCATED SOUTH AND WEST OF GUS THOMASSON ROAD AND THE AMERICANA DRIVE INTERSECTIONS, 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-2 Single Family to Planned Development Multifamily at 25 Units per acre on a tract located south and west of Gus Thomasson Road and the Americana Drive Intersections, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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.

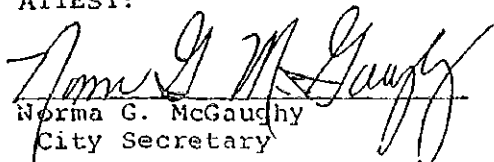
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 20th day of July, A.D., 1981.



B. J. SMITH
MAYOR

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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BEING a tract of land situated in Dallas County, Texas out of the DANIEL TANNER LEAGUE SURVEY, Abstract No. 1462, and being part of a 45 acre tract of land conveyed to J. B. GALLOWAY and FLORENCE GALLOWAY JACKSON as recorded in Volume 4081, Page 248 of the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a 1" iron rod found at the most Northerly corner of a 72.2 acre tract of land conveyed to J. B. Galloway and Florence Galloway as recorded in Volume 3776, Page 270 of the Dallas County Deed Records, said point also being in the Southwest line of Gus Thomasson Road (60' R.O.W.);

THENCE, S 45° 18'50" E, along said Southwest line of Gus Thomasson Road, a distance of 729.79 feet to a point, said point being the East corner of a tract of land conveyed to Dallas Power And Light Company as recorded in Volume 5535, Page 252 of the Dallas County Deed Records, said point also being the POINT OF BEGINNING;

THENCE, S 45° 18'50" E, continuing along the Southwest line of Gus Thomasson Road, a distance of 1068.31 feet to a point for a corner;

THENCE, S 44° 37'52" W, a distance of 1546.46 feet to a point, said point being in the East line of Interstate Highway No. 635 (variable R.O.W.);

THENCE, along the East line of Interstate Highway No. 635 the following courses:

N 28° 35'46" W, a distance of 104.70 feet to a point for an angle;

N 07° 23'36" W, a distance of 481.47 feet to a point for an angle;

N 03° 21'49" W, a distance of 431.37 feet to a point for an angle;

N 07° 23'36" W, a distance of 344.57 feet to a point, said point being in the said Southeast line of a tract of land conveyed to Dallas Power And Light Company.

THENCE, N 44° 55'10" E, along the Southeast line of a tract of land conveyed to Dallas Power And Light Company, a distance of 720.33 feet to the POINT OF BEGINNING and CONTAINING 1,240,956 Square Feet or 28.4885 Acres of Land, more or less.

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