

00121

ORDINANCE NO. 1706  
Appl. No. 170-13

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 AND COMMERCIAL TO PLANNED DEVELOPMENT MULTIFAMILY AT 22 UNITS PER ACRE ON TRACTS 1 AND 2, FROM COMMERCIAL TO PLANNED DEVELOPMENT, FOR APARTMENTS AT 17 UNITS PER ACRE ON TRACT 3, FROM R-3 SINGLE FAMILY TO GENERAL RETAIL ON TRACT 4, AND PROPERTY BEING LOCATED GENERALLY SOUTH AND EAST OF RANGE ROAD AND NORTH GALLOWAY AVENUE BETWEEN NORTH GALLOWAY AVENUE AND BELTLINE 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 R-3 Single Family and Commercial to Planned Development Multifamily at 22 Units Per Acre on Tracts 1 and 2, from Commercial to Planned Development, for Apartments at 17 Units Per Acre on Tract 3, from R-3 Single Family to General Retail on Tract 4, and property being located generally South and East of Range Road and North Galloway Avenue between North Galloway Avenue and Beltline Road, 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.

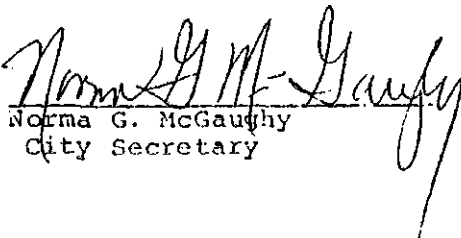
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency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

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of August, A.D., 1981.

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

ATTEST:

APPROVED AS TO FORM:

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

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

## FIELD NOTES

Being a tract of land situated in the Robert Bethurum Survey Abstract No. 170 and the M. L. Swing Survey, Abstract No. 1397 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the Northeast line of Gus Thomasson (80 ft. R.O.W.) with the Southeast line of Range Drive (60 ft. R.O.W.); Thence North  $45^{\circ} 22' 37''$  East along said line of Range Drive a distance of 188.71 ft. to an iron rod; Thence South  $45^{\circ} 04' 27''$  East a distance of 10.0 ft. to an iron rod and the True Point of Beginning;

THENCE North  $45^{\circ} 22' 37''$  East continuing along said line of Range Drive a distance of 310.70 ft. to an iron rod for a corner;

THENCE South  $54^{\circ} 37' 37''$  East departing said line of Range Drive a distance of 188.51 ft. to an iron rod for a corner;

THENCE North  $37^{\circ} 16' 33''$  East a distance of 110.63 ft. to a fence post for a corner;

THENCE South  $69^{\circ} 37' 27''$  East a distance of 183.40 ft. to an iron rod for a corner;

THENCE North  $45^{\circ} 14' 25''$  East a distance of 124.66 ft. to an iron rod for a corner;

THENCE South  $77^{\circ} 37' 02''$  East a distance of 616.12 ft. to a point for a corner;

THENCE South  $0^{\circ} 17' 29''$  East a distance of 884.20 ft. to a point for a corner;

THENCE North  $89^{\circ} 35' 02''$  West a distance of 823.41 ft. to a point for a corner;

THENCE North  $13^{\circ} 39' 33''$  West a distance of 257.48 ft. to a point for the beginning of a circular curve to the left;

THENCE continuing along said curve to the left having a central angle of  $17^{\circ} 00' 00''$ , a radius of 803.91 ft., a tangent length of 120.15 ft., and an arc length of 238.53 ft. to a point of tangency;

THENCE North  $30^{\circ} 39' 33''$  West a distance of 84.29 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  $15^{\circ} 08' 13''$ , a radius of 182.0 ft., a tangent length of 24.18 ft., and an arc length of 48.08 ft. to a point of tangency;

THENCE North  $45^{\circ} 47' 46''$  West a distance of 138.07 ft. to an iron rod for a corner;

THENCE South  $45^{\circ} 19' 34''$  West a distance of 35.72 ft. to an iron rod found for a corner;

THENCE North  $45^{\circ} 04' 27''$  West a distance of 194.65 ft. to the Point of Beginning and containing 22.3212 Acres (972,312 sq. ft. of land.

Tract 2

00125

FIELD NOTES  
7.9601 ACRE TRACT

BEING a tract of land situated in the Robert Berhurum Survey Abstract No. 170 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod in the West line of Belt Line Road (100' R.O.W.) said point being the Southeast corner of a tract conveyed to Rutherford General Hospital on February 6, 1979;  
THENCE South  $0^{\circ} 17' 29''$  East a distance of 479.85' to an iron rod and beginning of a circular curve to the right;  
THENCE continuing along said line of Belt Line Road and long said circular curve to the right having a central angle of  $14^{\circ} 19' 55''$ , a radius of 1655.0', a tangent length of 205.56', and an arc length of 408.98' to the end of said curve to the right;  
THENCE North  $89^{\circ} 35' 02''$  West a distance of 349.14' to a point for corner;  
THENCE North  $0^{\circ} 17' 29''$  West a distance of 884.20' to a point for corner;  
THENCE South  $77^{\circ} 37' 02''$  East a distance of 6.21' to an iron rod for corner;  
THENCE South  $89^{\circ} 56' 35''$  East a distance of 393.95' to the Point of Beginning and containing 7.9601 acre (346,741 Sq. Ft.) of land.

BEING a tract of land situated in the Robert Bethurum Survey, Abstract No. 170, City of Mesquite, Dallas County, Texas, and being part of a 32.647 acre tract of land conveyed to Henry H. Dickerson as recorded in Volume 68216 at Page 1002, Deed Records of Dallas County, Texas, and further being part of a 33.646 acre tract deeded to Rutherford General Hospital by deed dated February 6, 1979, and being more particularly described as follows:

COMMENCING at a point on the West line of Belt Line Road (a 100' R.O.W.), said point being on the North line of a tract of land conveyed to H. H. Hanby by deed recorded in Volume 2020, Page 485, same being the South line of a tract of land conveyed to Henry H. Dickerson by deed recorded in Volume 68216, Page 1002, an iron stake for corner;

THENCE Northerly along said West line of Belt Line Road, a distance of 551.19 feet to the PLACE OF BEGINNING of the herein-described tract, an iron stake for corner;

THENCE S 89° 42' 31" W, leaving said Belt Line Road West line, a distance of 394.20 feet to an iron stake for corner;

THENCE N 77° 25' 07" W, a distance of 623.19 feet to the Southeast corner of the John J. Beecham Tract, an iron stake for corner;

THENCE N 69° 40' W, along the Northeast line of said John J. Beecham Tract, a distance of 383.39 feet to a point on the Southeast line of Range Road (a 60' R.O.W.), to an iron stake for corner;

THENCE N 45° 18' E, along said Range Road, a distance of 476.61 feet to an iron stake for corner;

THENCE N 89° 42' 31" E, leaving said Range Road, a distance of 1020.08 feet to a point on the said West line of Belt Line Road, an iron stake for corner;

THENCE S 0° 17' 29" E, along said Belt Line Road West line, a distance of 607.40 feet to the PLACE OF BEGINNING and containing 15.00 acres of land.

Tract 4

00127

FIELD NOTES  
2.8287 ACRE TRACT

BEING a tract of land situated in the Robert Bethurum Survey Abstract No. 170 and the M.L. Swing Abstract No. 1397 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod in the East line of Gus Thomasson Road (80.0' R.O.W.) said point being the Northwest corner of a tract conveyed to Walter Robinson on December 10, 1951;

THENCE North  $13^{\circ} 39' 33''$  West along said line of Gus Thomasson Road a distance of 201.07' to a point for the beginning of a circular curve to the left;

THENCE continuing along said line of Gus Thomasson Road and along said circular curve to the left having a central angle of  $25^{\circ} 14' 18''$ , a radius of 578.91', a tangent length of 129.59', and an arc length of 254.98' to an iron rod and the end of said curve to the left;

THENCE North  $45^{\circ} 00' 00''$  East a distance of 229.65' to an iron rod for corner;

THENCE South  $45^{\circ} 47' 46''$  East a distance of 8.28' to a point for the beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of  $15^{\circ} 08' 13''$ , a radius of 182.0', a tangent length of 24.18', and an arc length of 48.08' to a point of tangency;

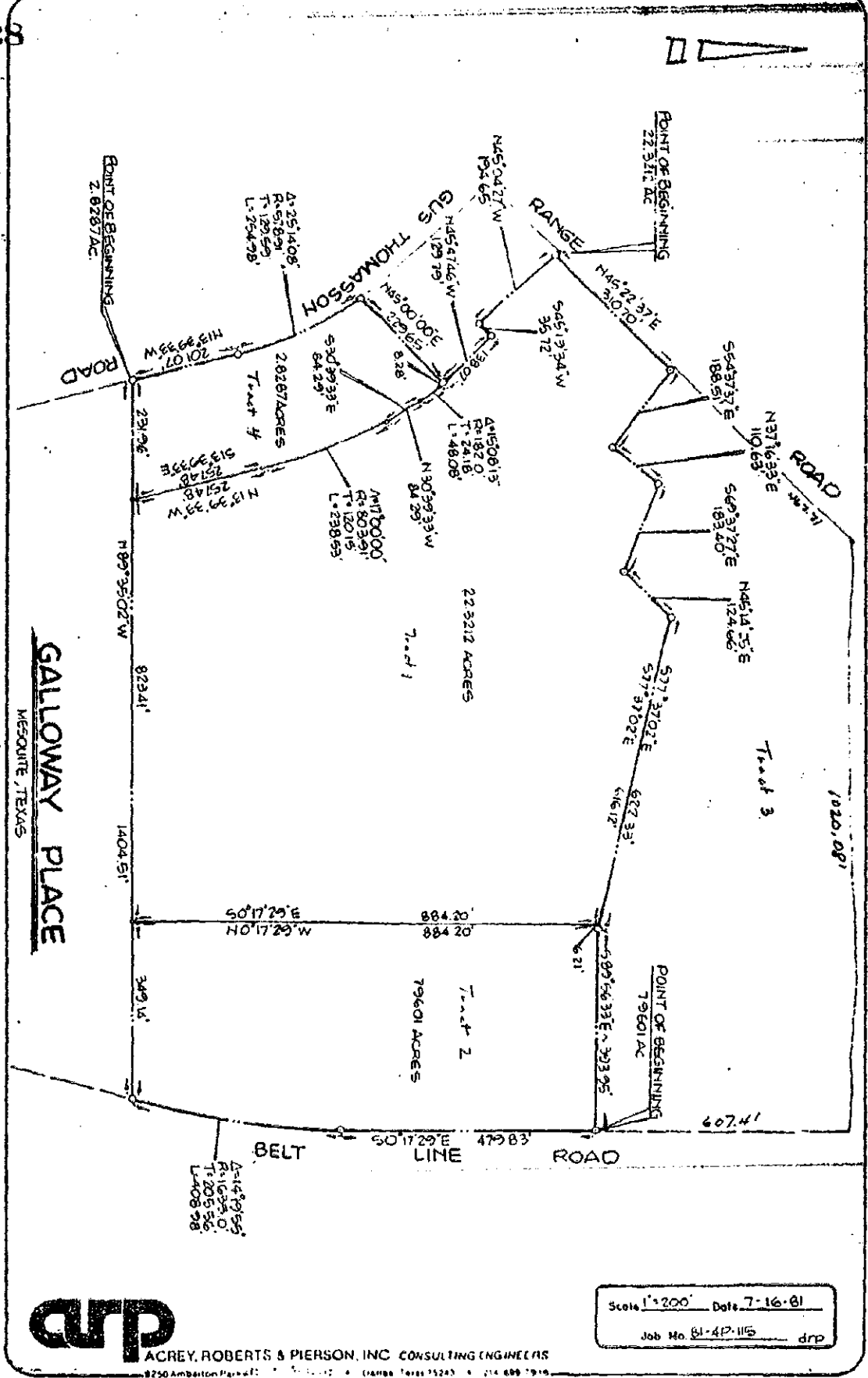
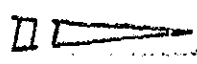
THENCE South  $30^{\circ} 39' 33''$  East a distance of 84.29' to a point for the beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of  $17^{\circ} 00' 00''$ , a radius of 803.91', a tangent length of 120.15', and an arc length of 238.53' to a point of tangency;

THENCE South  $15^{\circ} 39' 33''$  East a distance of 257.18' to a point for corner;

THENCE North  $89^{\circ} 55' 02''$  West a distance of 231.96' to the Point of Beginning and containing 2.8287 Acres (123,219 Sq. Ft.) of land.

00128



Note: There is no page no. 00129 and 00130.

Scale: 1"=200' Date: 7-16-81  
 Job No. 81-42-115 drp



**ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS**  
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