

ORDINANCE NO. 1718
Appl. No. 594-13

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-1 SINGLE FAMILY TO PLANNED DEVELOPMENT OFFICE ON TRACT 1, FROM R-1 SINGLE FAMILY TO PLANNED DEVELOPMENT OFFICE/RESIDENTIAL (AT 16 UNITS PER ACRE) ON TRACT 2, FROM R-1 AND R-3 SINGLE FAMILY TO GENERAL RETAIL ON TRACT 3, SAID PROPERTY BEING LOCATED EAST OF NORTH GALLOWAY AVENUE BETWEEN AMERICANA DRIVE AND TRIPP 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 A NON-SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) 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-1 Single Family to Planned Development Office on Tract 1, from R-1 Single Family to Planned Development Office/Residential (at 16 units per acre) on Tract 2, from R-1 and R-3 Single Family to General Retail on Tract 3, and property being located East of North Galloway Avenue between Americana Drive and Tripp 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.

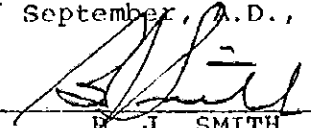
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. The zoning granted herein is granted as a whole and in the event that any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, it is the intent that the entire ordinance should not be given any force or effect.

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.

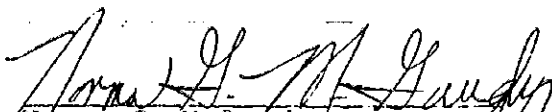
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of September, A.D., 1981.



D. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma C. McGaughy
City Secretary

Elland Archer
City Attorney

00159

100' R.O.W.

AMERICANA LANE

60' R.O.W.

S. 89°06'09"E ~ 244.77'

AVE.

Place of Beginning

N. 0°27'41"E ~ 312.65'

2.000 ACRES

$\Delta = 32^{\circ}23'51''$
 $R = 475.00'$
 $T = 137.99'$
 $L = 268.58'$

S. 31°30'E.
65.69'

N. 89°32'19"W ~ 351.53'

GALLOWAY

100' R.O.W.

ZONING PLAT

Henry S. Miller Co. ~ Realtors
2001 Bryan Tower, 30th Floor
Dallas, Texas 75201

John C. Gibson Co. Inc. ~ Engineers
9510 Military Pkwy. Dallas, Texas 75227

q.m.

#10539-X

BEGINNING at the Intersection of the South Line of Americana Lane (a 60' R.O.W.) with the East line of Galloway Ave. (a 100' R.O.W.) a point for corner.

THENCE, S.89°06'09"E., along said Americana Lane South line a distance of 244.77 feet to the beginning of a curve to the left having a central angle of 32°23'51", a radius of 475.00 feet and a back tangent bearing of S.0°53'51"W., a point for corner.

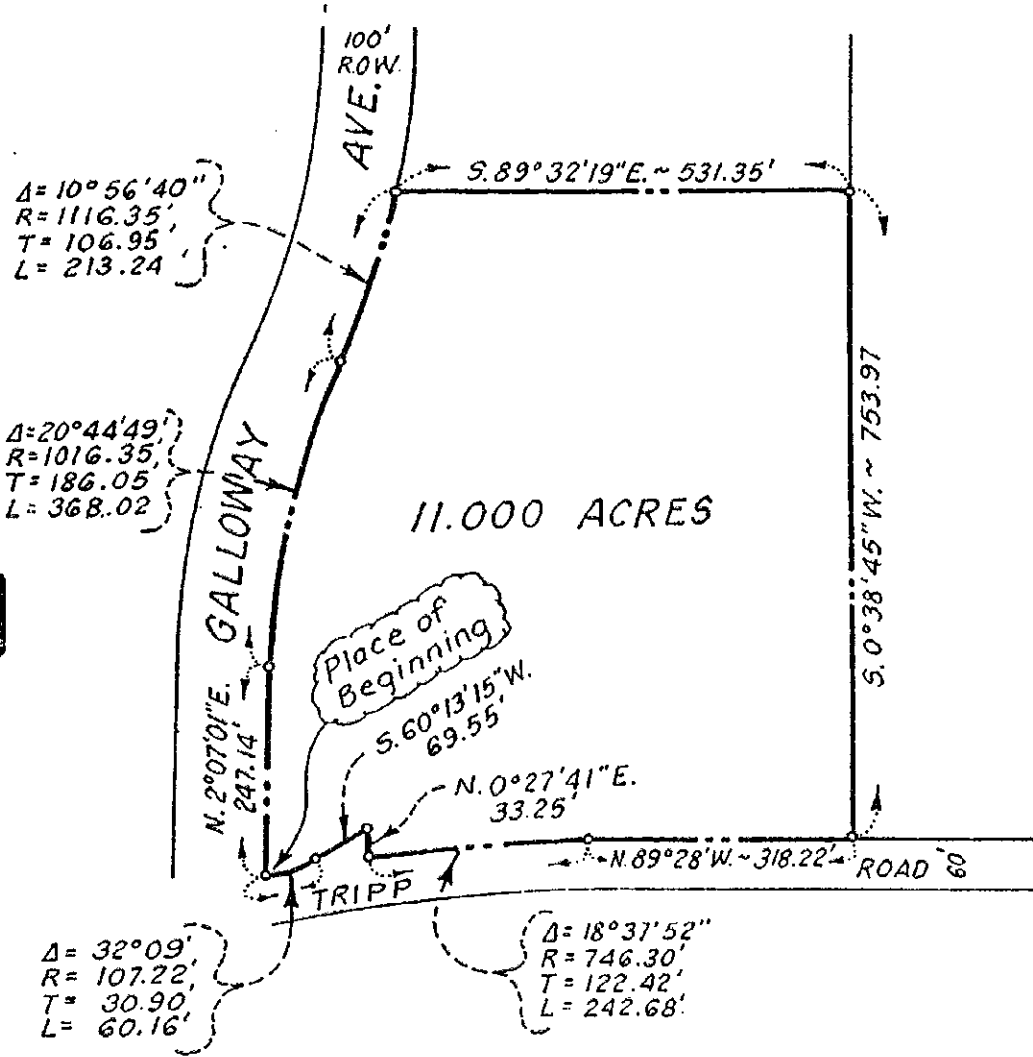
THENCE, Around said curve a distance of 268.58 feet to the end of said curve, a point for corner.

THENCE, S.31°30'E., a distance of 65.69 feet to a point for corner.

THENCE, N.89°32'19"W., a distance of 351.53 feet to a point on the said Galloway Ave. East line, a point for corner.

THENCE, N.0°27'41"E., along said Galloway Ave. East line, a distance of 312.65 feet to the Place of Beginning and containing 2.000 Acres of Land.

00161



ZONING PLAT

Henry S. Miller Co. ~ Realtors
2001 Bryan Tower, 30th Floor
Dallas, Texas 75201

John C. Gibson Co., Inc. ~ Engineers
9510 Military Pkwy - Dallas, Texas 75227

q.m.

10539-X

BEGINNING at the intersection of the North line of Tripp Road and the East line of Galloway Ave. (a 100' R.O.W.), a point for corner.

THENCE, Along said Galloway Ave. East line the following:

N.2°07'01"E., a distance of 247.14 feet to the beginning of a curve to the right having a central angle of 20°44'49" and a radius of 1016.35 feet, a point for corner.

Around said Curve a distance of 368.02 feet to the end of said curve and to the beginning of a curve to the left having a central angle of 10°56'40" a radius of 1116.35 feet, and a back tangent bearing of N.22°51'50"E., a point for corner.

Around said curve a distance of 213.24 feet to the end of said curve, a point for corner.

Thence, S.89°32'19"E., leaving said Galloway Ave. East line, a distance of 531.35 feet a point for corner.

Thence, S.0°38'45"W., a distance of 753.97 feet to a point on the said Tripp Road North line a point for corner.

Thence, Along the said Tripp Road North line the following:

N.89°28'W., a distance of 318.22 feet to the beginning of a curve to the left having a central angle of 18°37'52" and a radius of 746.30 feet, a point for corner.

Around said curve a distance of 242.68 feet to the end of said curve, a point for corner.

N.0°27'41"E., a distance of 33.25 feet to a point for corner.

S.60°13'15"W., a distance of 69.55 feet to the beginning of a curve to the right having a central angle of 32°09' and a radius of 107.22 feet, a point for corner.

Around said curve a distance of 60.16 feet to the end of said curve and to the Place of Beginning containing 11.000 Acres of Land.

00163

GALLOWAY AVE.
N. 0° 27' 41" E. ~ 1320.56'

S. 89° 32' 19" E.
351.53'

Place of Beginning

S. 31° 30' E. ~ 631.67'
S. 39° 30' E. ~ 70.00'
N. 39° 30' W. ~ 70.00'

$\Delta = 8^{\circ}00'$
 $R = 475.00'$
 $T = 33.21'$
 $L = 66.32'$

18.906 ACRES

S. 50° 30' W.
 $\Delta = 5^{\circ}17'$
 $R = 575.00'$
 $T = 26.53'$
 $L = 53.02'$

S. 40° 30' W. ~ 162.16'
S. 0° 28' 33" W. ~ 806.56'

$\Delta = 11^{\circ}27'30''$
 $R = 1116.35'$
 $T = 112.00'$
 $L = 223.25'$

N. 89° 32' 19" W. ~ 531.35'

ZONING PLAT

Henry S. Miller Co. ~ Realtors
2001 Bryan Tower, 30th Floor
Dallas, Texas 75201

John C. Gibson Co., Inc. ~ Engineers
9510 Military Pkwy. ~ Dallas Texas 75227

q.m.

#10539-X

BEGINNING at a point on the East line of Galloway Ave. (a 100' R.O.W.), said point being S.0°27'41"W., a distance of 312.65 feet from the South line of Americana Lane (a 60' R.O.W.) a point for corner.

THENCE, S.89°32'19"E., a distance of 351.53 feet to a point for corner.

THENCE, S.31°30'E., a distance of 631.67 feet to the beginning of a curve to the left having a central angle of 8°00' and a radius of 475.00 feet, a point for corner.

THENCE, Around said curve a distance of 66.32 feet to the end of said curve, a point for corner.

THENCE, S.39°30'E., a distance of 70.00 feet to a point for corner.

THENCE, S.50°30'W., a distance of 100.00 feet to a point for corner.

THENCE, N.39°30'W., a distance of 70.00 feet to the beginning of a curve to the right having a central angle of 5°17' and a radius of 575.00 feet a point for corner.

THENCE, Around said curve a distance of 53.02 feet to the end of said curve, a point for corner.

THENCE, S.40°30'W., a distance of 162.16 feet to a point for corner.

THENCE, S.0°28'33"W., a distance of 806.56 feet to a point for corner.

THENCE, N.89°32'19"W., a distance of 531.35 feet to the beginning of a curve to the left having a central angle of 11°27'30", a radius of 1116.35 feet, and a back tangent bearing of N.11°55'11"E., said point also being on the said Galloway Ave. East line, a point for corner.

THENCE, Around said curve a distance of 223.25 feet to the end of said curve a point for corner.

THENCE, N.0°27'41"E., along said Galloway Ave. East line, a distance of 1320.56 feet to the Place of Beginning and containing 18.906 Acres of Land.