

ORDINANCE NO. 1737
File No. 1501-6

00225

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 A-1 TO LIGHT COMMERCIAL ON TRACT 1; FROM A-1 TO GENERAL RETAIL ON TRACT 2; FROM A-1, COMMERCIAL AND GENERAL RETAIL TO PLANNED DEVELOPMENT MULTIFAMILY (AT 26 UNITS PER ACRE) ON TRACT 3 WITH THE STIPULATION THAT THE INTERNAL EAST/WEST ACCESS MUST BE COMPLETED PRIOR TO DEVELOPMENT OF MULTIFAMILY HOUSING. THE THREE TRACTS ARE LOCATED GENERALLY SOUTH AND EAST OF THE GUS THOMASSON ROAD AND I-30 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 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 A-1 to Light Commercial on Tract 1; from A-1 to General Retail on Tract 2; from A-1, Commercial and

General Retail to Planned Development Multifamily at (26 Units Per Acre) on Tract 3 with the stipulation that the internal east/west access must be completed prior to Development of Multifamily Housing. The three tracts are located generally south and east of the Gus Thomasson Road and I-30 Intersection, 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.

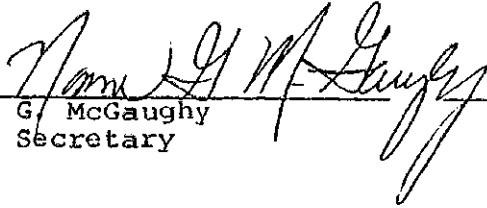
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of November, A.D., 1981.



B. J. SMITH
MAYOR

ATTEST:

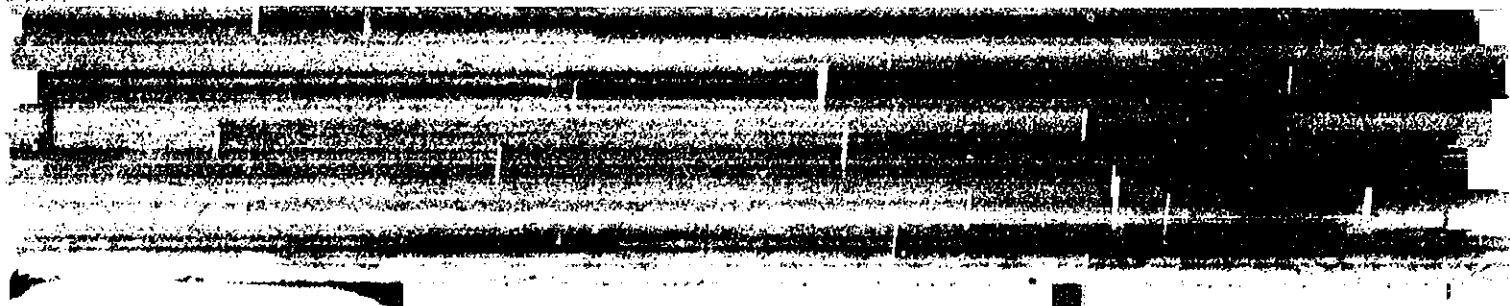
APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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TRACT 1
FIELD NOTES FOR
ZONING CHANGE
ABSTRACT 1461
MESQUITE, TEXAS
ANDREA N.V. - OWNER

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being part of the T. Thomas League Survey, Abstract 1461, and also being part of that certain tract of land conveyed by W. Ray Wallace, Jr. to Leon A. Ramiro, on January 16, 1979, as recorded in the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the southeasterly right-of-way line of I.H. 30 (variable width) and the southeasterly cut-off line between the northeasterly right-of-way line of Gus Thomasson Road (300 feet wide at this point) and the said southeasterly line of I.H. 30;

THENCE North $55^{\circ}07'40''$ East along the southeasterly line of I.H. 30 a distance of 843.76 feet to an angle point;

THENCE North $53^{\circ}09'44''$ East continuing along the southeasterly line of I.H. 30 a distance of 300.30 feet to an angle point;

THENCE North $55^{\circ}06'41''$ East continuing along the southeasterly line of I.H. 30 a distance of 184.98 feet to an angle point;

THENCE North $58^{\circ}15'04''$ East continuing along the southeasterly line of I.H. 30 a distance of 60.50 to a point for corner;

THENCE South $35^{\circ}20'26''$ East a distance of 970.00 feet to the beginning of a curve to the right;

THENCE in a southeasterly direction along the said curve to the left having a radius of 4200 feet, a central angle of $0^{\circ}31'49''$ and an arc length of 38.86 feet to a point for corner in the centerline of a 100 foot wide Texas Power & Light Company easement;

THENCE South $72^{\circ}37'00''$ West along the centerline of the said Texas Power & Light Company easement a distance of 682.63 feet to a point for corner;

THENCE South $44^{\circ}56'41''$ West a distance of 840.30 feet to a point for corner in the northeasterly line of Gus Thomasson Road (140 feet wide at this point);

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THENCE North $45^{\circ}03'19''$ West along the northeasterly line of Gus Thomasson Road a distance of 195.88 feet to a point for corner;

THENCE North $22^{\circ}44'19''$ East along an offset line in the northeasterly line of Gus Thomasson Road a distance of 87.41 feet to a point for corner;

THENCE North $44^{\circ}47'29''$ West continuing along the northeasterly line of Gus Thomasson Road a distance of 343.22 feet to a point for corner;

THENCE North $21^{\circ}56'29''$ East along the said cut-off line between I.H. 30 and Gus Thomasson Road a distance of 123.30 feet to the POINT OF BEGINNING and containing 862,249 square feet, more or less, or 19.7945 acres.

TRACT 2
FIELD NOTES FOR
ZONING CHANGES
ABSTRACT 545, 1461 & 1501
CITY OF MESQUITE
ANDREA N.V. - OWNER

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being part of the J. Hardin Survey, Abstract 545, T. Thomas League Survey, Abstract 1461 and the Isham Thomas Survey, Abstract 1501; and also being part of that certain tract of land conveyed by W. Ray Wallace, Jr. to Leon A. Ramiro, on January 16, 1979, as recorded in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the northeasterly right-of-way line of Gus Thomasson Road (140 feet wide), said point being 849.02 feet along the said northeasterly line of Gus Thomasson Road from its intersection with the northerly right-of-way line of Town East Boulevard (100 feet wide);

THENCE in a northwesterly direction along the said northeasterly line of Gus Thomasson Road and along a curve to the left whose tangent bears North $11^{\circ}33'22''$ West having a radius of 781.40 feet, a central angle of $33^{\circ}29'57''$ and an arc length of 456.86 feet to the end of the said curve to the left;

THENCE North $45^{\circ}03'19''$ West continuing along the northeasterly line of Gus Thomasson Road a distance of 665.00 feet to a point for corner;

THENCE North $44^{\circ}56'41''$ East a distance of 788.20 feet to a point for corner;

THENCE South $38^{\circ}51'23''$ East a distance of 215.55 feet to a point for corner;

THENCE South $55^{\circ}25'23''$ East a distance of 459.34 feet to a point for corner;

THENCE South $17^{\circ}07'23''$ East a distance of 830.92 feet to a point for corner;

THENCE South $9^{\circ}22'23''$ East a distance of 104.22 feet to a point for corner;

THENCE South $81^{\circ}19'57''$ East a distance of 655.10 feet to the POINT OF BEGINNING and containing 1,012,256 square feet, more or less, or 23.2382 acres.

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TRACT 3
 FIELD NOTES FOR
 ZONING CHANGES
 ABSTRACT 1461 & 1501
 CITY OF MESQUITE
 ANDREA N.V. - OWNER

Being a tract of parcel of land situated in the City of Mesquite, Dallas County, Texas, and being part of the T. Thomas League Survey, Abstract 1461, and the Isham Thomas Survey, Abstract 1501 and also being part of that certain tract of land conveyed by W. Ray Wallace Jr. to Leon A. Ramiro, on January 16, 1979, as recorded in the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Town East Boulevard (100 feet wide) and the easterly right-of-way line of Gus Thomasson Road (140 feet wide);

THENCE along the westerly line of Gus Thomasson Road as follows:

NORTH $8^{\circ}50'08''$ West 16.21 feet;
 NORTH $8^{\circ}41'03''$ West 794.64 feet;
 Along a curve to the left;
 having a radius of 781.40 feet;
 a central angle of $2^{\circ}52'19''$
 and an arc length of 39.17 feet;

THENCE North $81^{\circ}19'57''$ East a distance of 655.10 feet to the POINT OF BEGINNING of the herein described tract;

THENCE North $9^{\circ}22'23''$ West a distance of 104.22 feet to a point for corner;

THENCE North $17^{\circ}07'23''$ West a distance of 830.92 feet to a point for corner;

THENCE North $55^{\circ}25'23''$ West a distance of 459.34 feet to a point for corner;

THENCE North $38^{\circ}51'23''$ West a distance of 215.55 feet to a point for corner;

THENCE North $44^{\circ}56'41''$ East a distance of 52.10 feet to a point for corner;

THENCE North $72^{\circ}37'00''$ East along the centerline of a 100 foot wide Texas Power & Light Company easement a distance of 1192.20 feet to a point for corner;

THENCE in a southeasterly direction along a curve to the right whose tangent bears South $20^{\circ}36'45''$ East having a radius of 370.00 feet, a central angle of $13^{\circ}43'45''$ and an arc length of 88.66 feet to the end of the said curve to the right;

THENCE South $6^{\circ}53'$ East a distance of 384.55 feet to the beginning of a curve to the left;

THENCE in a southeasterly direction along the said curve to the left having a radius of 380.00 feet, a central angle of $45^{\circ}51'43''$ and an arc length of 304.17 feet to the end of the said curve to the left;

THENCE South $52^{\circ}44'43''$ East a distance of 542.98 feet to the beginning of a curve to the right;

THENCE in a southeasterly direction along the said curve to the right having a radius of 150.00 feet, a central angle of $50^{\circ}30'$ and an arc length of 132.21 feet to the end of said curve to the right;

THENCE South $2^{\circ}14'43''$ East a distance of 26.24 feet to a point for corner;

THENCE South $80^{\circ}43'28''$ West passing the northeasterly corner of the Treasury Addition, an addition to the City of Mesquite, as recorded in Volume 73070, Page 14 of the Deed Records of Dallas County, Texas, in all, a distance of 1060.21 feet to a point for corner, said point also being the northwesterly corner of said addition;

THENCE North $9^{\circ}22'23''$ West along the centerline of a 20 foot wide sanitary sewer easement a distance of 158.24 feet to a point for corner;

THENCE North $81^{\circ}19'57''$ West a distance of 95.01 feet to the POINT OF BEGINNING and containing 1,582,419 square feet, more or less, or 36.3273 acres.