

ORDINANCE NO. 1753

File No. 594-15A

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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 PLANNED DEVELOPMENT SINGLE FAMILY (ORDINANCE #1607 REQUIRING A MINIMUM HOUSE SIZE OF 1500 SQUARE FEET ON R-3 LOTS) TO PLANNED DEVELOPMENT SINGLE FAMILY, WITH A 1400 SQUARE FOOT MINIMUM HOUSE SIZE WITH A 1500 SQUARE FOOT AVERAGE FOR THE SUBDIVISION, THAT HOUSES BUILT ALONG TRIPP ROAD AND ADJACENT TO THE EXISTING R-1 DISTRICT SHALL BE A MINIMUM OF 1500 SQUARE FEET AND WITH THE FOLLOWING STIPULATIONS: (1) A 1400 SQUARE FOOT MINIMUM HOUSE SIZE WITH A 1500 SQUARE FOOT AVERAGE FOR THE SUBDIVISION, (2) THAT HOUSES BUILT ALONG TRIPP ROAD AND ADJACENT TO THE EXISTING R-1 DISTRICT SHALL BE A MINIMUM OF 1500 SQUARE FEET; SAID PROPERTY BEING LOCATED EAST OF NORTH GALLOWAY AVENUE BETWEEN AMERICANA LANE AND TRIPP ROAD FURTHER KNOWN AS THE QUAIL HOLLOW SUBDIVISION, SECTIONS 1 AND 2, 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 Planned Development Single Family (Ordinance #1607 requiring a minimum house size of 1500 square feet on R-3 Lots) to Planned Development Single Family, with a 1400 square foot minimum house size with a 1500 square foot average for the subdivision, that houses built along Tripp Road and adjacent to the existing R-1 District shall be a minimum of 1500 square feet and with the following stipulations: (1) A 1400 square foot minimum house size with a 1500 square foot average for the subdivision, (2) That houses built along Tripp Road and adjacent to the existing R-1 District shall be a minimum of 1500 square feet; said property being located East of North Galloway Avenue between Americana Lane and Tripp Road further known as the Quail Hollow subdivision Sections 1 and 2, City of Mesquite, Texas, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto.

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.

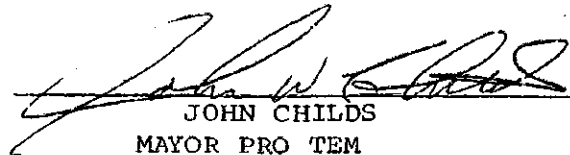
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

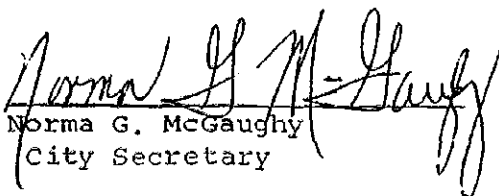
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 18th day of January, A.D., 1982.


JOHN CHILDS
MAYOR PRO TEM

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

BEING a tract of land situated in the Henry Harter Survey Abstract No. 594, City of Mesquite, Dallas County, Texas, and further being a combination of three tracts of land and part of another two tracts, part of one tract which is described in deed to James D. Sims and Glenn Walls, Trustee, as 108.805 Acres dated 11-11-68, filed 11-18-68, all of another which is described in deed to Shelby E. Riggs as a 13.718 Acre tract 9-5-73, another which is the remaining 5.718 Acres of a 13.718 Acre tract that is described in deed to Audy M. Riggs, dated 9-5-73, another which is described in deed to H.B. Wheeler and wife, Marie Wheeler as a 8 Acre tract, dated 7-2-79, and part of a tract which is described in deed to R.S. Berry and S.E. Berry dated 5-15-64, filed 5-18-64 as 41.407 Acres, with all said tracts recorded in the Deed Records of Dallas County, Texas, being more particularly described as follows:

BEGINNING at a point on the Northerly line of said R.S. Berry and S.E. Berry 41.407 Acre tract and the Southerly line of a tract of land owned by the Mesquite Independent School District, 1-23-75, said point being S.89°06'09"E, a distance of 245.00 feet from the Northwesterly corner of said R.S. Berry and S.E. Berry 41.407 Acre tract and the Easterly line of Galloway Ave., an iron stake for corner;

THENCE, S.89°06'09"E, along the Northerly line of said R.S. Berry and S.E. Berry 41.407 Acre tract and the James D. Sims and Glenn Walls, Trustees 108.805 Acre tract, a distance of 2268.45 feet to a point on the Southerly line of a tract of land owned by the Mesquite Independent School District 8-29-74 and recorded in the Deed Records of Dallas County, Texas, an iron stake set for corner;

THENCE, S.1°42'W, a distance of 88.00 feet to an iron stake set for corner;

THENCE, S.78°59'E, a distance of 289.61 feet to an iron stake set for corner;

THENCE, S.18°06'E, a distance of 479.33 feet to an iron stake set for corner;

THENCE, S.43°03'E, a distance of 290.77 feet to an iron stake set for corner;

THENCE, S.26°40'E, a distance of 231.95 feet to an iron stake set for corner;

THENCE, S.28°28'E, a distance of 357.18 feet to a point on the Southerly line of said James D. Sims and Glenn Walls, Trustee, tract, said point also being on the Northerly line of the Robert J. Riggs 13.718 Acre tract, 9-5-73, recorded in the Deed Records of Dallas County, Texas an iron stake set for corner;

THENCE, N.89°06'09"W, along the said James D. Sims and Glenn Walls, Trustees, tract and the Northerly lines of the Robert J. Riggs 13.718 Acre tract, 9-5-73, the Betty J. Riggs Murray 13.718 Acre tract, 9-5-73, the Dorothy F. Riggs Neal 13.718 Acre tract, 9-4-73, and the Horace B. Wheeler 13.718 Acre tract, 9-5-73, all said tracts being recorded in the Deed Records of Dallas County, Texas, a distance of 1845.64 feet to an iron stake set for corner;

THENCE, S.0°38'45"W, along the Westerly line of said Horace B. Wheeler 13.718 Acre tract a distance of 1309.32 feet to the Northerly line of Tripp Road (a 60' R.O.W.) an iron stake found for corner;

THENCE, N.89°28'W, along the said Tripp Road Northerly line a distance of 1071.00 feet to an iron stake set for corner;

THENCE, N.0°38'45"E, a distance of 1560.00 feet to an iron stake set for corner;

THENCE, N.40°30'E, a distance of 162.16 feet to the beginning of a curve to the left having a central angle of 5°17', a radius of 575.00 feet and a back tangent bearing of S.34°13'E, an iron stake set for corner;

THENCE, Around said curve a distance of 53.02 feet to the end of said curve, an iron stake set for corner;

THENCE, S.39°30'E, a distance of 70.00 feet to an iron stake set for corner;

THENCE, N.50°30'E, a distance of 100.00 feet to an iron stake set 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 8°00' and a radius of 475.00 feet an iron stake set for corner;

THENCE, Around said curve, a distance of 66.32 feet to the end of said curve, an iron stake set for corner;

THENCE, N.31°30'W, a distance of 697.36 feet to the beginning of a curve to the right having a central angle of 32°23'51" and a radius of 475.00 feet an iron stake set for corner;

THENCE, Around said curve, a distance of 268.58 feet to the end of said curve, an iron stake set for corner;

THENCE, N.0°53'51"E, a distance of 30.00 feet to the Place of Beginning and Containing 109.557 Acres of Land.