

ORDINANCE NO. 1783
File No. 1461-65

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 MULTIFAMILY NOT TO EXCEED A TOTAL OF 275 UNITS AND/OR OFFICE USE ON A TRACT LOCATED APPROXIMATELY 1300 FEET NORTH-EAST OF THE I-30 AND NORTHWEST DRIVE 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 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 Multifamily not to exceed a total of 275 units and/or office use on a tract located approximately 1300 feet northeast of the I-30 and Northwest Drive intersection, City of Mesquite, 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.

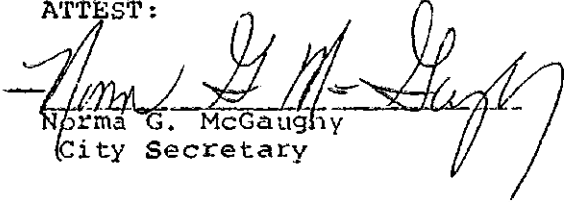
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 3rd day of May, A.D., 1982.


LEN GIBBENS
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

FIELD NOTES FILE #1461-65

BEING a survey of a tract of 25.843 acres of land in the THEOPHALUS THOMAS SURVEY ABST. NO. 1461 and in the ELIAS T. MYERS SURVEY ABST. NO. 944, Dallas County, Texas; and being part of the "First Tract" in deed to Dr. O. W. Gibbons recorded in Vol. 2386, page 288 of the Deed Records of Dallas County, Texas; and said 25.843 acre tract being more particularly described as follows:

BEGINNING at the point of intersection of the Northwest line of U.S. Highway No. 67 with the centerline of Duck Creek;
THENCE Westerly, along the Northwest line of U. S. Highway No. 67, as follows: 1st. S 63° 16'00" W, 1303.6 ft.; 2nd S 70° 59'00" W, 303.0 ft.; 3rd. S 63° 19'00" W, 936.6 ft. to its intersection with the Northwest line of said Gibbons tract;
THENCE Northeasterly, along a fence on the Northwest line of said Gibbons tract, as follows: 1st. N 40° 29'00" E, 842.1 ft.; 2nd N 39° 17'00" E, 735.2 ft. to a point in the center of Long Branch;
THENCE Easterly, with the meanders of the centerline of Long Branch, as follows: 1st. N 75° 00'00" E, 101.3 ft.; 2nd. S 72° 43'00" E, 34.5 ft.;
THENCE generally Easterly along the lines as established by Judgement 94-111-C, 68 DCM, as follows: 1st. S 81° 08'00" W, 30.2 ft.; 2nd. S 46° 04'00" W, 32.4 ft.; 3rd. S 88° 34'00" E, 225.1 ft.; 4th. N. 25° 48'00" E, 147.5 ft.; 5th. N 76° 13'00" E, 91.1 ft.; 6th. N. 66° 35'00" E, 103.6 ft.; 7th. N 73° 38'00" W, 7.6 ft. returning to a point in the center of Long Branch;
THENCE continuing Easterly with the meanders of the center of Long Branch, as follows: 3rd. N 54° 29'00" E, 67.9 ft.; 4th N 08° 25'00" E, 123.6 ft.; 5th N 60° 42'00" E, 66.2 ft.; 6th S 22° 06'00" E, 109.8 ft.; 7th. N 62° 26'00" E, 50.0 ft.;
THENCE S 81° 39'00" E, leaving said Branch, 99.2 ft., to a point in the center of Long Branch;
THENCE continuing Easterly with the meanders of the centerline of Long Branch, as follows: 8th S 05° 43'00" E, 15.6 ft.; 9th N 74° 25'00" E, 66.4 ft. to its junction with the centerline of Duck Creek;
THENCE Southeasterly with the meanders of the centerline of Duck Creek, as follows: 1st. S 39° 17'00" E, 52.0 ft.; 2nd. S 67° 08'00" E, 95.1 ft.; 3rd. N 65° 15'00" E, 64.7 ft.; 4th. S 83° 57'00" E. 104.1 ft.; 5th. S 39° 06'00" E, 105.0 ft.; 6th. S 06° 06'00" E, 88.4 ft.; 7th S 55° 19'00" W, 87.1 ft.; 8th S 28° 37'00" E, 158.5 ft. to the POINT OF BEGINNING and containing 25.843 Acres of land.

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