

## ORDINANCE NO. 1789

File No. 1461-66A

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 COMMERCIAL AND/OR PLANNED DEVELOPMENT MULTIFAMILY AT 24 UNITS PER ACRE ON TRACT 1 AND PLANNED DEVELOPMENT MULTIFAMILY AT 24 UNITS PER ACRE ON TRACT 2, BOTH TRACTS ARE LOCATED SOUTH OF THE I-635 FREEWAY AND NORTH GALLOWAY AVENUE INTERSECTION FRONTING THE WEST SIDE OF NORTH GALLOWAY AVENUE, 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 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

00162

Commercial and/or Planned Development Multifamily at 24 Units per acre on Tract 1 and Planned Development Multifamily at 24 Units per acre on Tract 2, both tracts are located South of the I-635 Freeway and North Galloway Avenue Intersection fronting the West side of North Galloway Avenue, 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

ORDINANCE/PAGE 3

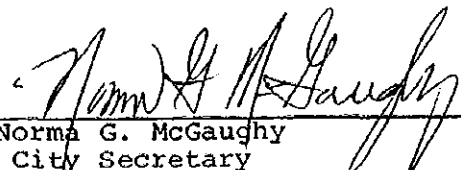
00163

Mesquite, Texas, on the 21st day of June, A.D., 1982.

  
LEN GIBBENS  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughy  
City Secretary

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

REGISTERED  
CIVIL ENGINEER  
00164

DON A. TIPTON, P.E.  
PRESIDENT

DON A. TIPTON, INC.

CONSULTING ENGINEERS  
13600 LBJ FREEWAY, SUITE 301  
GARLAND, TEXAS 75041

SUBDIVISIONS  
SURVEYING

PHONE  
(214) 270-4

ZONING FIELD NOTES

R-1 RESIDENTIAL TO PD-MF-24 UNITS/AC

BEING, a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461 City of Mesquite, Dallas County, Texas, and being located the the Southwest corner of the intersection of I. H. 635 and Galloway Ave. (Barnes Bridge Road), and being more particularly described as follows:

COMMENCING at the point of intersection of the Southwest line of Galloway Ave., with the Northeast line of I. H. 635, a point of corner;

THENCE, along said Southwest line of Galloway Ave., the following:

S 45° 27' 56" E, a distance of 123.33 feet to a point for corner;

N 44° 53' E, a distance of 20.0 feet to a point for corner;

S 45° 07' E, a distance of 745.08 feet to the PLACE OF BEGINNING, a point for corner;

THENCE, S 45° 07" E, continuing along said Galloway Ave., a distance of 393. feet to a point for corner;

THENCE, S 44° 50' 38" W, leaving said Southwest line of Galloway Ave., a distance of 785.48 feet to a point on the above-mentioned Northeast line of I. H. 635, a point for corner;

THENCE, N 20° 43' 26" W, along said I. H. 635, a distance of 431.77 feet to a point for corner;

THENCE, N 44° 50' 38" E, leaving said I. H. 635, a distance of 607.16 feet to the PLACE OF BEGINNING and containing 6.284 acres of land.

REGISTERED  
CIVIL ENGINEER

**DON A. TIPTON, INC.**

CONSULTING ENGINEERS  
13600 LBJ FREEWAY, SUITE 301  
GARLAND, TEXAS 75041

00165

SUBDIVISIONS  
SURVEYING

DON A. TIPTON, P.E.  
PRESIDENT

PHONE  
(214) 270-4485

ZONING FIELD NOTES

R-1 RESIDENTIAL TO COMMERCIAL

BEING a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461 City of Mesquite, Dallas County, Texas, and being located at the Southwest corner of the intersection of I. H. 635 and Galloway Ave. (Barnes Bridge Road), and being more particularly described as follows:

BEGINNING at the point of intersection of the Southwest line of Galloway Ave., with the Northeast line of I. H. 635, a point for corner;

THENCE, along said Southwest line of Galloway Ave., the following:

S 45° 27' 56" E, a distance of 123.33 feet to a point for corner;

N 44° 53' E, a distance of 20.0 feet to a point for corner;

S 45° 07' E, a distance of 745.08 feet to a point for corner;

THENCE, S 44° 50' 38" W, leaving said Southwest line of Galloway Ave., a distance of 607.16 feet to a point on the above-mentioned Northeast line of I. H. 635, a point for corner;

THENCE, N 20° 43' 26" W, along said I. H. 635, a distance of 40.98 feet to an angle point for corner;

THENCE, N 10° 42' 41" W, continuing along I. H. 635, a distance of 1007.88 feet to the PLACE OF BEGINNING and containing 6.284 acres of land.

00166