

ORDINANCE NO. 1806
File No. 1256-3

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-3 TO GENERAL RETAIL ON TRACT A AND TO PLANNED DEVELOPMENT FOR ELDERLY HOUSING AT 9 UNITS PER ACRE ON TRACT B WITH THE STIPULATION THAT IF CONSTRUCTION IS NOT STARTED WITHIN ONE (1) YEAR, THE ZONING WILL REVERT BACK TO THE R-3. THE TWO TRACTS ARE LOCATED 200 FEET SOUTHEAST OF HILLVIEW DRIVE FRONTING THE NORTHEAST 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-3 to General Retail on Tract A and to Planned Development for Elderly Housing at 9 Units per acre on Tract B with the stipulation that if construction is not started within one (1) year, the zoning will revert back to the R-3. The two tracts are located 200 feet southeast of Hillview Drive fronting the Northeast 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.

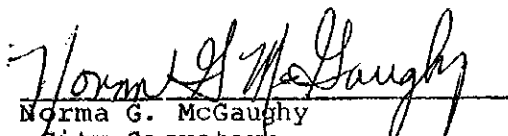
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 Mesquite, Texas, on the 9th day of September, A.D., 1982.


LEN GIBBENS
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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TRACT A

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE W. H. ROWE SURVEY, ABSTRACT 1255, MESQUITE, DALLAS COUNTY, TEXAS AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET STEEL ROD IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTH GALLOWAY ROAD; SAID POINT BEING BY DEED CALL N. 44 DEGREES 18 MINUTES E., 20.0 FEET FROM THE SOUTHERLY SOUTHEAST CORNER OF THE NORTH TEXAS MUNICIPAL WATER DISTRICT TRACT OF 1.94 ACRES OUT OF THE ORIGINAL W. B. HAILEY ORIGINAL TRACT OF 40.27 ACRES;

THENCE - NORTH 44 DEGREES 15 MINUTES 52 SECONDS EAST, 199.92 FEET WITH AN EASTERLY LINE OF SAID NORTH TEXAS MUNICIPAL WATER DISTRICT TRACT TO A SET STEEL ROD;

THENCE - SOUTH 45 DEGREES 30 MINUTES 00 SECONDS EAST, 364.84 FEET PARALLEL TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID NORTH GALLOWAY ROAD TO A SET STEEL ROD;

THENCE - SOUTH 44 DEGREES 15 MINUTES 52 SECONDS WEST, 199.92 FEET TO A SET STEEL ROD IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID NORTH GALLOWAY ROAD;

THENCE - NORTH 45 DEGREES 30 MINUTES 00 SECONDS WEST, 364.84 FEET ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE TO THE PLACE OF BEGINNING AND CONTAINING 1.675 ACRE OF LAND.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE W. H. ROWE SURVEY, ABSTRACT 1356, MESQUITE, DALLAS COUNTY, TEXAS AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET STEEL ROD IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTH GALLOWAY ROAD; SAID POINT BEING BY DEED CALL S. 45 DEGREES 30 MINUTES 00 SECONDS EAST, 364.84 FEET FROM THE SOUTHERLY SOUTHEAST CORNER OF THE NORTH TEXAS MUNICIPAL WATER DISTRICT TRACT OF 1.94 ACRE OUT OF THE ORIGINAL W. B. HAILEY ORIGINAL TRACT OF 40.27 ACRES;

THENCE - NORTH 44 DEGREES 15 MINUTES 52 SECONDS EAST, AT 199.92 FEET TO A SET STEEL ROD;

THENCE - NORTH 45 DEGREES 30 MINUTES 00 SECONDS WEST, 364.84 FEET TO A SET STEEL ROD IN AN EASTERLY LINE OF SAID NORTH TEXAS MUNICIPAL WATER SUPPLY TRACT;

THENCE - NORTH 44 DEGREES 15 MINUTES 52 SECONDS EAST, 163.99 FEET ALONG SAID EASTERLY LINE TO A SET STEEL ROD;

THENCE - SOUTH 45 DEGREES 46 MINUTES 00 SECONDS EAST, 200.23 FEET WITH A SOUTHERLY LINE OF SAID NORTH TEXAS MUNICIPAL WATER DISTRICT TRACT TO AN EXISTING 1 INCH STEEL PIPE;

THENCE - NORTH 44 DEGREES 16 MINUTES 53 SECONDS EAST, 350.00 FEET ALONG AN EASTERLY LINE OF SAID NORTH TEXAS MUNICIPAL WATER DISTRICT TRACT TO AN EXISTING 1 INCH STEEL PIPE FOR THE NORTHEAST CORNER OF SAID TRACT;

THENCE - NORTH 45 DEGREES 38 MINUTES 00 SECONDS WEST, 220.33 FEET ALONG THE NORTHEASTERLY LINE OF SAID NORTH TEXAS MUNICIPAL WATER DISTRICT TRACT TO A SET STEEL ROD; SAID POINT BEING IN THE SOUTHEASTERLY LINE OF BLOCK 3 OF TRUMAN HEIGHTS, RECORDED IN VOLUME 11, PAGE 135, DEED RECORDS, DALLAS COUNTY, TEXAS; SAID POINT ALSO BEING IN THE WESTERLY LINE OF SAID ORIGINAL W. R. HAILEY TRACT;

THENCE - NORTH 44 DEGREES 15 MINUTES 52 SECONDS EAST, 256.85 FEET ALONG THE WESTERLY LINE OF SAID W. R. HAILEY TRACT AND THE SOUTHEASTERLY LINE OF BLOCK 3 OF SAID TRUMAN HEIGHTS TO A SET STEEL ROD;

THENCE - SOUTH 45 DEGREES 30 MINUTES 00 SECONDS EAST, 520.00 FEET TO A SET STEEL ROD IN THE WESTERLY LINE OF THE JACKSON MANOR APARTMENTS, LTD. TRACT, RECORDED IN VOLUME 70033, PAGE 1543, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE - SOUTH 44 DEGREES 15 MINUTES 52 SECONDS WEST, 981.19 FEET ALONG THE WESTERLY LINE OF SAID JACKSON MANOR APARTMENTS, LTD. TRACT, TO A SET STEEL ROD IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID NORTH GALLOWAY ROAD;

THENCE - NORTH 45 DEGREES 30 MINUTES 00 SECONDS WEST, 135.16 FEET ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE TO THE PLACE OF BEGINNING AND CONTAINING 8.100 ACRES OF LAND.

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