

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 PLANNED DEVELOPMENT MULTIFAMILY AT 22 UNITS PER ACRE WITH THE STIPULATION THAT A SITE PLAN BE APPROVED TAKING INTO CONSIDERATION PRIVACY FOR THE SINGLE FAMILY LOTS ALONG THE ALLEY; SAID TRACT IS LOCATED AT THE NORTHWEST CORNER OF BAKER DRIVE AND US-80; 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 A-1 to Planned Development Multifamily at 22 units per acre with the stipulation that a site plan be approved taking into consideration privacy for the single family lots along the alley; said tract is located at the northwest corner of Baker Drive and US-80; 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 17th day of January, A.D., 1983.


LEM GIBBENS
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

FIELD NOTES

ALL that certain lot, tract, or parcel of land situated in the DANIEL TANNER SURVEY, Abstract No. 1462, of the City of Mesquite, Dallas County, Texas, and being the 0.91 Acre tract conveyed to SAM W. FRENCH, May 27, 1963, and part of a tract of land being out of an 11.09 Acre Tract conveyed to T. O. STRICKLAND, by deeds dated July 17, 1959, December 13, 1960 and January 25, 1962, and also deeded to FLY SMITH, December 13, 1960, and being more particularly described as follows:

BEGINNING at the Intersection of the present West Right-of-Way line of Baker Drive and the North Right-of-Way line of U.S. Highway No. 80 a point for corner;

THENCE: S 85° 18' W, 200.00 feet with the North ROW line of U.S. Highway No. 80, to a point for corner, said point being the Southwest corner of this tract;

THENCE: N 0° 28' W, 26.02 feet to a point for curve to the Left, having a Central Angle of 44° 32' and a Radius of 20.55 feet;

THENCE: around said curve to the Left a distance of 15.97 feet to the point of tangent;

THENCE: N 45° 00' W, 346.85 feet to a point for corner in the South line of a 0.91 Acre tract deeded to SAM W. FRENCH, May 27, 1963;

THENCE: S 89° 82' W, 120.00 feet with the South line of the 0.91 Acre tract to a point for corner, said point being an Angle in the South Boundary line of BYRD ESTATES NO. 2, and a 15' alley, also the West corner of this tract;

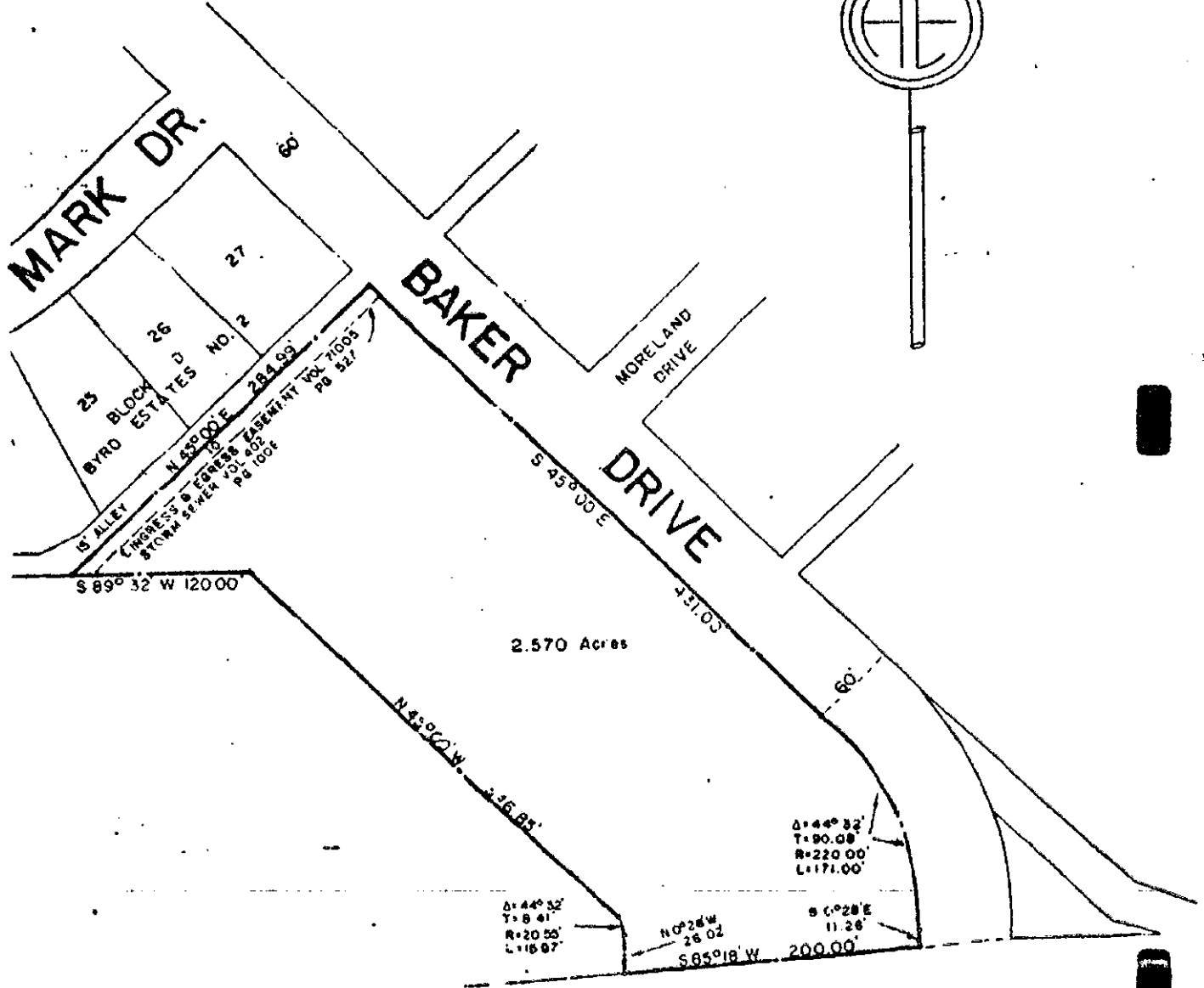
THENCE: N 45° 00' E, 284.99 feet with the Southeast Boundary line of BYRD ESTATES NO. 2 and a 15' alley and the Northwest line of this tract to a point for corner in the Southwest ROW line of Baker Drive (a 60' ROW), said point being the Northeast corner of this tract and also being the Southeast corner of BYRD ESTATES NO. 2 and a 15' alley;

THENCE: S 45° 00' E, 431.00 feet with the Southwest ROW line of Baker Drive to a point for curve to the Right, having a Central Angle of 44° 32' and a Radius of 220.00 feet;

THENCE: around said curve to the Right a distance of 171.00 feet to the point of tangent;

THENCE: S 0° 28' E, 11.26 feet with the West ROW line of Baker Drive to the PLACE OF BEGINNING and Containing 2.570 Acres of Land.

00206



HWAY NO. 80