

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, R-3 AND GENERAL RETAIL TO PLANNED DEVELOPMENT SINGLE FAMILY (FOR PATIO HOMES). THE PROPERTY CONSISTS OF TWO TRACTS OF LAND TOTALLING 92.62 ACRES, LOCATED GENERALLY NORTH OF THE SH 352 AND KEARNEY ROAD 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 A-1, R-3 and General Retail to Planned Development Single Family (for patio homes). The property consists of two tracts of land totalling 92.62 acres, located generally north of the SH 352 and Kearney Road intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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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.

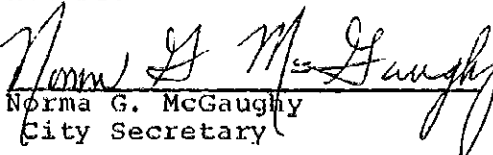
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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.

  
LEN GIBBENS  
MAYOR

ATTEST:

  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

## FIELD NOTES TRACT I

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Being a tract of land situated in the S. Houston Survey, Abstract No. 656 and the Thomas Scott Survey, Abstract No. 1353 and being more particularly described as follows:

BEGINNING at a Point of Reference at the intersection of the North line of Kearney St. (80 ft. R.O.W.) with the Northwest line of State Hwy. 352 (100 ft. R.O.W.); Thence North  $39^{\circ} 20'$  East a distance of 399.17 ft. to the POINT OF BEGINNING;

THENCE North  $0^{\circ} 04' 30''$  West a distance of 1142.23 ft. to a point for a corner;  
 THENCE South  $89^{\circ} 38' 35''$  West a distance of 14.40 ft. to a point for a corner;  
 THENCE North  $0^{\circ} 20' 53''$  West a distance of 445.78 ft. to a point for a corner;  
 THENCE South  $89^{\circ} 37' 58''$  West a distance of 2636.94 ft. to a point for a corner;  
 THENCE North  $0^{\circ} 05' 16''$  East a distance of 1262.41 ft. to a point for a corner;  
 THENCE North  $89^{\circ} 32' 37''$  East a distance of 697.17 ft. to a point for a corner;  
 THENCE South  $3^{\circ} 40' 43''$  West a distance of 5.99 ft. to a point for a corner;  
 THENCE North  $89^{\circ} 33' 38''$  East a distance of 2037.43 ft. to a point for a corner;  
 THENCE South  $0^{\circ} 14' 22''$  West a distance of 1370.31 ft. to a point for a corner;  
 THENCE South  $0^{\circ} 16'$  East a distance of 231.45 ft. to a point for a corner;  
 THENCE South  $6^{\circ} 50' 02''$  West a distance of 283.88 ft. to a point for a corner;  
 THENCE South  $83^{\circ} 09' 58''$  East a distance of 400.0 ft. to a point for a corner;  
 THENCE North  $6^{\circ} 50' 22''$  East a distance of 258.29 ft. to a point for a corner;  
 THENCE South  $89^{\circ} 19' 26''$  East a distance of 435.35 ft. to a point for a corner;  
 THENCE South  $0^{\circ} 26' 06''$  East a distance of 63.31 ft. to a point for a corner;  
 THENCE South  $39^{\circ} 20'$  West a distance of 1429.68 ft. to the POINT OF BEGINNING and containing 90.6747 Acres (3,949,788 sq. ft.) of land, less 20.1990 Acres (879,867 sq. ft.) of land in flood plain and 2.7054 Acres (117,847 sq. ft.) of land in T.P. & L. easement leaving a net of 67.7703 Acres (2,952,074 sq. ft.) of land.

## FIELD NOTES TRACT II

Being a tract of land situated in the S. Houston Survey, Abstract No. 656 and the Thomas Scott Survey, Abstract No. 1353 and being more particularly described as follows:

BEGINNING at a Point of Reference at the intersection of the North Line of Kearney St. (80 ft. R.O.W.) with the Northwest line of State Hwy. No. 352 (100 ft. R.O.W.); Thence North  $39^{\circ} 20'$  East a distance of 1828.85 ft.; Thence North  $0^{\circ} 26' 06''$  West a distance of 163.35 ft. to the Point of Beginning;

THENCE North  $89^{\circ} 19' 26''$  West a distance of 422.62 ft. to a point for a corner;  
 THENCE North  $6^{\circ} 50' 02''$  East a distance of 161.10 ft. to a point for a corner;  
 THENCE North  $83^{\circ} 09' 58''$  West a distance of 328.69 ft. to a point for a corner;  
 THENCE North  $0^{\circ} 14' 22''$  East a distance of 1376.58 ft. to a point for a corner;  
 THENCE North  $89^{\circ} 33' 38''$  East a distance of 712.0 ft. to a point for a corner;  
 THENCE South  $0^{\circ} 26' 06''$  East a distance of 1586.13 ft. to the Point of Beginning and containing 24.8476 Acres (1,082,362 sq. ft.) of land.

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