

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 GENERAL RETAIL TO PLANNED DEVELOPMENT MULTIFAMILY AT 24 UNITS PER ACRE ON A TRACT LOCATED GENERALLY EAST OF THE OATES DRIVE AND NORTHWEST DRIVE INTERSECTION FRONTING THE EAST SIDE OF NORTHWEST DRIVE; 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 IF 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 General Retail to Planned Development Multifamily at 24 units per acre on a tract located generally east of the Oates Drive and Northwest Drive intersection fronting the east side of Northwest Drive; 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.

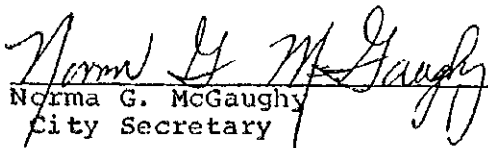
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction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

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

LEGAL DESCRIPTION

Being a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Dallas County, Texas, said tract being part of "The Trails", an addition to the City of Mesquite, Texas, as filed in Volume 72143, page 19 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING AT A POINT for corner on the northeast right-of-way line (100' R.O.W.) of Northwest Drive, said point being  $S 44^{\circ} 37' 10'' E$ , 150.00 feet from the intersection of said Northeast right-of-way line of Northwest Drive with the Southeast right-of-way line (80' R.O.W.) of Oates Road, said corner also being the Southeast corner of Lot 1-C of the Trails, an addition to the City of Mesquite as recorded in Volume 80194, page 795, Map Records of Dallas County, Texas;

THENCE,  $N 45^{\circ} 09' E$ , along the East line of said Lot 1-C, a distance of 175.00 feet to a point for corner, being the Northeast Corner of said Lot 1-C;

THENCE,  $N 44^{\circ} 37' 10'' W$ , along the North line of said Lot 1-C, a distance of 150.00 feet to a point for corner on said Southeast right-of-way line of Oates Road;

THENCE,  $N 45^{\circ} 09' E$ , along said Southeast right-of-way line of Oates Road, a distance of 66.80 feet to an iron rod set for corner;

THENCE,  $S 45^{\circ} 00' E$ , a distance of 180.00 feet to an iron rod set for corner;

THENCE,  $N 45^{\circ} 09' E$ , a distance of 402.00 feet to an iron rod set for corner;

THENCE,  $S 45^{\circ} 00' E$ , a distance of 723.85 feet to a point for corner on the Northwest right-of-way line (100' R.O.W.) of Trails Parkway, said corner also lying on a curve to the left;

THENCE, along said Northwest right-of-way line of Trails Parkway and also along said curve to the left, a distance of 145.10 feet to a point at the end of said curve to the left, having a central angle of  $16^{\circ} 57' 59''$ , a radius of 490.00 feet and a tangent length of 73.08 feet;

THENCE,  $S 45^{\circ} 09' W$ , continuing along said Northwest right-of-way line of Trails Parkway, a distance of 386.49 feet to a point of beginning of a curve to the right;

THENCE, continuing along said Northwest right-of-way line of Trails Parkway and also along said curve to the right, a distance of 103.16 feet to a point of the end of said curve to the right, having a central angle of  $14^{\circ} 25' 00''$ , a radius of 410.00 feet and a tangent length of 51.86 feet;

THENCE,  $S 59^{\circ} 34' W$ , continuing along said Northwest right-of-way line of Trails Parkway, a distance of 38.22 feet to a point for corner at the intersection of said Northwest right-of-way line of Trails Parkway with said Northeast right-of-way line of Northwest Drive, said corner also lying on a curve to the left.

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THENCE, along said Northeast right-of-way line of Northwest Drive and also along said curve to the left, a distance of 195.46 feet to a point at the end of said curve to the left, having a central angle of  $11^{\circ} 08' 39''$ , a radius of 1004.93 feet and a tangent length of 98.04 feet;

THENCE, N  $44^{\circ} 37' 10''$  W, continuing along said Northeast right-of-way line of Northwest Drive, a distance of 425.94 feet to the POINT OF BEGINNING AND CONTAINING 473,703 square feet or 10.8747 acres of land, more or less.