

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 ON TRACT 1 FROM GENERAL RETAIL, LIGHT COMMERCIAL, COMMERCIAL AND PLANNED DEVELOPMENT MULTIFAMILY AT 26 UNITS PER ACRE TO PLANNED DEVELOPMENT MULTIFAMILY AT 30 UNITS PER ACRE, AND ON TRACT 2 FROM GENERAL RETAIL AND PLANNED DEVELOPMENT MULTIFAMILY AT 26 UNITS PER ACRE TO LIGHT COMMERCIAL WITH THE FOLLOWING STIPULATIONS: (1) THAT ZONING WAS APPROVED SUBJECT TO RELOCATION OF THE ACCESS ROAD TO TOWN EAST TO A POINT WEST OF THE TREASURY BUILDING, SAID POINT TO BE APPROVED BY THE STAFF; (2) THAT THE CONSTRUCTION COSTS WOULD BE AT THE APPLICANT'S EXPENSE AND THAT IN THE EVENT THE APPLICANT IS UNABLE TO ACQUIRE THE NECESSARY RIGHT OF WAY, THE CITY MAY CHOOSE TO EXERCISE ITS POWER OF EMINENT DOMAIN. THE TWO TRACTS ARE LOCATED GENERALLY SOUTH AND WEST OF THE I-30 AND I-635 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

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amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning on Tract 1 from General Retail, Light Commercial, Commercial and Planned Development Multifamily at 26 units per acre to Planned Development Multifamily at 30 units per acre, and on Tract 2 from General Retail and Planned Development Multifamily at 26 units per acre to Light Commercial with the following stipulations: (1) That zoning was approved subject to relocation of the access road to Town East to a point west of the Treasury building, said point to be approved by the staff; (2) That the construction costs would be at the applicant's expense and that in the event the applicant is unable to acquire the necessary right of way, the City may choose to exercise its power of eminent domain. The two tracts are located generally south and west of the I-30 and I-635 intersection; 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 well 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 4th day of April, A.D., 1983.

Mrs. Brunhilde Nystrom
MRS. BRUNHILDE NYSTROM
MAYOR

ATTEST:

Norma G. McGaughy
Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

DESCRIPTION

TRACT 1

GR. LC, C & PDMF (26)

to

PDMF (30)

BEING a tract of land lying and being situated in the THEOPHALUS THOMAS LEAGUE SURVEY, ABSTRACT NO. 1461, and in the ISHAM THOMAS SURVEY, ABSTRACT NO. 1501 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northwest corner of Treasury Addition, an addition to the City of Mesquite according to the plat thereof recorded in Volume 73070, Page 0019 of the Deed Records of Dallas County, Texas, a point for corner;

THENCE S 09°19'55" E, along the Westerly line of said Treasury Addition, 278.11 feet to a point for corner;

THENCE S 05°35'55" E, along the Westerly line of said Treasury Addition, 380.75 feet to a point for corner;

THENCE S 76°41'35" E, 73.52 feet to a point in the North line of Town East Boulevard (100' R.O.W.), a point for corner;

THENCE S 80°56'25" W, along the North line of Town East Boulevard, 260.03 feet to the Southeast corner of Block A, Lot 5, Treasury Addition, an addition to the City of Mesquite according to the plat thereof recorded in Volume 78018, Page 0002 of said Deed Records, a point for corner;

THENCE N 05°35'55" W, along the East line of said Lot 5 and the East line of Block A, Lot 3, Treasury Addition, an addition to the City of Mesquite according to the plat thereof recorded in Volume 80023, Page 1191, 414.11 feet to a point for corner;

THENCE N 09°19'55" W, 271.89 feet to a point for corner;

THENCE N 80°40'05" E, 40.00 feet to a point for corner;

THENCE N 07°22'02" E, 104.40 feet to a point for corner;

THENCE N 09°19'55" W, 159.75 feet to a point for corner;

THENCE N 17°13'00" W, 605.88 feet to a point for corner;

THENCE N 00°31'03" W, 52.20 feet to a point for corner;

THENCE N 17°13'00" W, 30.00 feet to a point for corner;

THENCE S 72°47'00" W, 141.92 feet to the beginning of a curve to the left, a point for corner;

THENCE Southwesterly, along the curve to the left, said curve having a central angle of 27°50'19" and a radius of 800.00 feet, for an arc distance of 388.70 feet to the end of said curve, a point for corner;

THENCE S 44°56'41" W, 70.00 feet to a point for corner;

THENCE N 45°03'19" W, 243.50 feet to a point for corner;

THENCE S 44°56'41" W, 200.00 feet to a point in the Northeast line of Gus Thomasson Road (140' R.O.W.), a point for corner;

THENCE N 45°03'19" W, along the Northeast line of Gus Thomasson Road, 387.25 feet to a point for corner;

THENCE N 44°56'41" E, 773.65 feet to a point for corner;

THENCE N 38°06'20" W, 162.82 feet to a point for corner;

THENCE N 70°43'42" W, 228.65 feet to a point for corner;

THENCE N 34°52'20" W, 160.54 feet to a point in the Southeast line of I.H.

(U.S. 67 - variable R.O.W.), a point for corner;

THENCE N 55°07'40" E, along the Southeast line of I.H. 30, 308.66 feet to a point for corner;
THENCE N 53°09'00" E, along the Southeast line of I.H. 30, 300.20 feet to a point for corner;
THENCE N 55°05'44" E, along the Southeast line of I.H. 30, 185.20 feet to a point for corner;
THENCE N 58°13'30" E, along the Southeast line of I.H. 30, 285.20 feet to a point for corner;
THENCE N 65°49'40" E, along the Southeast line of I.H. 30, 130.00 feet to a point for corner;
THENCE S 24°10'20" E, 270.00 feet to the beginning of a curve to the left, a point for corner;
THENCE Southeasterly, along the curve to the left, said curve having a central angle of 40°18'30" and a radius of 590.00 feet, for an arc distance of 415.07 feet to the end of said curve and the beginning of a curve to the right, a point for corner;
THENCE Southeasterly, along the curve to the right, said curve having a central angle of 57°35'32" and a radius of 590.00 feet, for an arc distance of 593.05 feet to the end of said curve, a point for corner;
THENCE S 06°53'18" E, 712.99 feet to the beginning of a curve to the left, a point for corner;
THENCE Southeasterly, along the curve to the left, said curve having a central angle of 53°46'39" and a radius of 400.00 feet, for an arc distance of 375.44 feet to a point for corner;
THENCE S 29°20'03" W, 230.00 feet to a point for corner;
THENCE S 09°19'55" E, 151.16 feet to a point in the North line of said Treasury Addition, a point for corner;
THENCE S 80°40'05" W, along the North line of said Treasury Addition, 626.42 feet to the POINT OF BEGINNING and containing 66.525 acres of land, more or less.

00274

DESCRIPTION

TRACT 2

GR & PDMF (26)

to

LC

BEING a tract of land lying and being situated in the THEOPHALUS THOMAS LEAGUE SURVEY, ABSTRACT NO. 1461, and the ISHAM THOMAS SURVEY, ABSTRACT NO. 1501 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the North line of Treasury Addition, an addition to the City of Mesquite according to the plat thereof recorded in Volume 73070, Page 0019 of the Deed Records of Dallas County, Texas, with the West line of I.H. 635 (L.B.J. Freeway - variable R.O.W.), a point for corner;

THENCE S 80°40'05" W, along the North line of said Treasury Addition, 464.20 feet to a point for corner;

THENCE N 09°19'55" W, 151.6 feet to a point for corner;

THENCE N 29°20'03" E, 230.00 feet to a point in a curve to the right, a point for corner;

THENCE Northwesterly, along the curve to the right, said curve having a tangent that bears N 60°39'57" W, a central angle of 53°46'39" and a radius of 400.00 feet, for an arc distance of 375.44 feet to the end of said curve, a point for corner;

THENCE N 06°53'18" W, 252.25 feet to a point for corner;

THENCE N 83°06'42" E, 500.00 feet to a point in the West line of I.H. 635 a point for corner;

THENCE S 06°53'18" E, along the West line of I.H. 635, 866.65 feet to a point for corner;

THENCE S 02°12'14" E, along the West line of I.H. 635, 25.15 feet to the POINT OF BEGINNING and containing 9.477 acres of land, more or less.