

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-2 RESIDENTIAL TO PLANNED DEVELOPMENT MULTIFAMILY AT 25 UNITS PER ACRE ON A TRACT LOCATED NORTH AND EAST OF THE I-635 AND I-20 INTERCHANGE; 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 R-2 Residential to Planned Development Multifamily at 25 units per acre on a tract located north and east of the I-635 and I-20 interchange; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

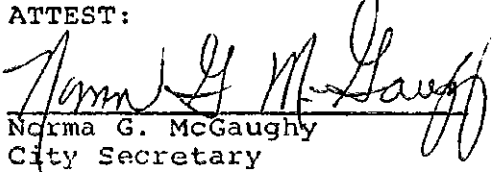
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 2nd day of May, A.D., 1983.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

FIELD NOTES:

00009

BEING a tract of land out of the D. TANNER LEAGUE PARTITION, Abstract No. 1462, City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point being the most Northerly corner of Hilhome Gardens First Section, Block 3, as recorded in Volume 7, Page 259 of the Deed Records, Dallas County, Texas, said point also being on the Southwesterly R.O.W. line of Gus Thomasson Road (70' R.O.W.);

THENCE, along the Northwesterly line of said Hilhome Gardens First Section, bearing S 44°47'25" W, a distance of 200.00 feet to a point for a corner, said corner being the most Northerly corner of Hilhome Garden Second Section as recorded in Volume 7, Page 291 of the Deed Records, Dallas County, Texas;

THENCE, along the Northwesterly line of said Hilhome Gardens Second Section, bearing S 44°57'25" W, a distance of 1521.65 feet to a point for a corner, said corner being on the Easterly R.O.W. line of Intrastate Highway No. 635 (Variable R.O.W.) and being the most Easterly corner of a described tract as per Judgement Case No. CC-66-1100-D, State of Texas vs. J. B. Galloway, Et Ux as recorded in County Clerks Office of Dallas County, Texas;

THENCE, along the Easterly R.O.W. of Intrastate Highway No. 635, also being the Easterly line of the aforementioned tract with the following courses:

N 21°33'23" W, a distance of 355.84 feet to a point for a corner;

THENCE, N 28°35'46" W, a distance of 110.59 feet to a point for a corner,

said corner being the most Southerly corner of Mesquite Apartments Addition as recorded in Volume 82155, Page 1239 of the Plat Records of Dallas County, Texas;

THENCE, departing said R.O.W. line along the Southeast-erly line of said Mesquite Apartments Addition, bearing N 44°37'52" E, a distance of 1546.46 feet to a point for a corner, said corner being on the Southwesterly R.O.W. line of Gus Thomasson Road;

THENCE, S 45°18'56" E, along said R.O.W. line a distance of 440.64 feet to the POINT OF BEGINNING and CONTAINING 710,935 Square Feet, or 16.3208 Acres of Land, more or less, subject, however to all legal right-of-way and easements of record.

00010