

ORDINANCE NO. 1886
File No. 1461-77

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 FOR PATIO HOMES WITH A MINIMUM UNIT SIZE OF 1300 SQUARE FEET ON TRACT 1-A; FROM R-2 TO PLANNED DEVELOPMENT FOR PATIO HOMES WITH A MINIMUM UNIT SIZE OF 1500 SQUARE FEET ON TRACT 1-B; FROM A-1 AND PLANNED DEVELOPMENT TOWNHOUSE TO PLANNED DEVELOPMENT FOR PATIO HOMES WITH A MINIMUM UNIT SIZE OF 1300 SQUARE FEET ON TRACT 1-C; FROM A-1 TO GENERAL RETAIL ON TRACT 2; FROM A-1 TO PLANNED DEVELOPMENT MULTIFAMILY AT A DENSITY OF 24 UNITS PER NET BUILDABLE ACRES ON A TOTAL OF 648 UNITS ON TRACT 3-A AND 3-B; FROM A-1 AND GENERAL RETAIL TO LIGHT COMMERCIAL ON TRACT 4; SAID PROPERTY IS LOCATED GENERALLY BETWEEN NORTHWEST DRIVE AND I-635, NORTHWEST OF OATES 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 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 OFFENCE; 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 for patio homes with a minimum unit size of 1300 square feet on Tract 1-A; from R-2 to Planned Development for patio homes with a minimum unit size of 1500 square feet on Tract 1-B; from A-1 and Planned Development Townhouse to Planned Development for patio homes with a minimum unit size of 1300 square feet on Tract 1-C; from A-1 to General Retail on Tract 2; from A-1 to Planned Development Multifamily at a density of 24 units per net buildable acres on a total of 648 units on Tract 3-A and 3-B; from A-1 and General Retail to Light Commercial on Tract 4; Said property is located generally between Northwest Drive and I-635, northwest of Oates Drive; 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 16th day of May, A.D., 1983.

Mrs Brunhilde Nyström
MRS. BRUNHILDE NYSTRÖM
MAYOR

ATTEST:

APPROVED AS TO FORM:

Nozma G. McGaughy
Nozma G. McGaughy
City Secretary

Elland Archer
City Attorney

MUNICIPAL ENGINEERING
SUBDIVISIONS
SURVEYING

PAULINE C. GIBSON
PRESIDENT

JOHN C. GIBSON COMPANY, INC.

Consulting Engineers

8810 MILITARY PARKWAY
DALLAS, TEXAS 75227
PHONE 388-3411

FIELD NOTES

REGISTERED
CIVIL ENGINEER

ROGER L. "BUDDY" BRIDGES
REG. PROF. ENGR.

TRACT 1-A

BEGINNING at a point on the Southerly line of LaPrada Drive, (a 100' R.O.W.) 960.44 feet Westerly along said LaPrada Drive Southerly line, from the Southwesterly line of Northwest Drive (a 100' R.O.W.) and at the Southwesterly corner of a tract of land owned by The Roman Catholic Diocese of Dallas (4-29-74) a point for corner.

THENCE, S. 44°31'E., along the Southwesterly line of said The Roman Catholic Diocese of Dallas tract, a distance of 350.00 feet to a point for corner.

THENCE, S. 45°24'41"W., a distance of 418.50 feet to a point on the Northeasterly line of a tract of land owned by First Continental Enterprise Inc. (9-4-69) a point for corner.

THENCE, N. 44°49'30"W., along the said First Continental Enterprise Inc. tract Northeasterly line a distance of 350.00 feet to a point on said LaPrada Drive Southerly line, a point for corner.

THENCE, N. 45°24'41"E., along said LaPrada Drive Southerly line, a distance of 420.38 feet to the Place of Beginning and containing 3.370 Acres of Land.

TRACT 1-B

COMMENCING at a point on the Southerly line of LaPrada Drive (a 100' R.O.W.) 960.44 feet Westerly, along said LaPrada Drive Southerly line, from the Southwesterly line of Northwest Drive (a 100' R.O.W.), and at the Southwesterly corner of a tract of land owned by The Roman Catholic Diocese of Dallas (4-29-74), a point for corner.

THENCE, S. 44°31'E., along the Southwesterly line of said The Roman Catholic Diocese of Dallas tract a distance of 350.00 feet to the Place of Beginning, a point for corner.

THENCE, S. 44°31'E., a distance of 108.00 feet to the Southeasterly corner of said The Roman Catholic Diocese of Dallas tract, a point for corner.

THENCE, Along the Southerly line of the said The Roman Catholic Diocese of Dallas tract the following:

N. 45°29'E., a distance of 678.63 feet to the beginning of a curve to the right having a central angle of 17°02'29" and a radius of 110.13 feet a point for corner.

Around said curve, a distance of 32.76 feet to the end of said curve, a point for corner.

THENCE, N. 62°31'29"E., a distance of 53.50 feet to a point on the Westerly line of a tract of land owned by Raldon Land Corporation (12-28-73) a point for corner.

THENCE, Along said Raldon Land Corporation's tract the following:

S. 27°28'31"E., a distance of 433.35 feet to the beginning of a curve to the left having a central angle of 09°53'01" and a radius of 1406.23 feet a point for corner.

Around said curve, a distance of 242.58 feet to the end of said curve, a point for corner.

S. 45°20'W., a distance of 998.57 feet to a point on the Northeasterly line of a tract of land owned by First Continental Enterprise Inc. (9-4-69) a point for corner.

THENCE, N. 44°49'30"W., along the said First Continental Enterprise Inc. tract Northeasterly line, a distance of 781.83 feet to a point for corner.

THENCE, N. 45°24'41"E., a distance of 418.50 feet to the Place of Beginning and containing 17.764 Acres of Land.

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MUNICIPAL ENGINEERING
SUBDIVISIONS
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PAULINE C. GIBSON
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JOHN C. GIBSON COMPANY, INC.
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8510 MILITARY PARKWAY
DALLAS, TEXAS 75227
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TRACT 1-C

BEGINNING at a point on the Southwesterly line of Northwest Drive (a 100' R.O.W.) said point being N. 44°22'28"W., a distance of 390.00 feet from the Northerly line of Oates Drive (a 60' R.O.W.) a point for corner.

THENCE, S. 45°25'14"W., a distance of 544.38 feet to a point for corner.

THENCE, N. 54°46"W., a distance of 258.43 feet to the beginning of a curve to the left having a central angle of 55°40' and a radius of 420.00 feet, a point for corner.

THENCE, Around said curve, a distance of 408.06 feet to the end of said curve, a point for corner.

THENCE, S. 69°34'W., a distance of 325.50 feet to a point for corner.

THENCE, S. 87°07'26"W., a distance of 373.91 feet to a point on the Southeasterly line of a tract of land owned by First Continental Enterprise Inc. (9-4-69) a point for corner.

THENCE, N. 45°20'40"E., a distance of 274.61 feet to the Southeast corner of said First Continental Enterprise Inc. tract, a point for corner.

THENCE, N. 44°49'30"W., along said First Continental Enterprise Inc. (9-4-69) tract, a distance of 181.35 feet to a point for corner.

THENCE, N. 45°20'E., a distance of 998.57 feet to the Southwest corner of a tract of Land owned by Raldon Land Corporation (12-28-73) and the beginning of a curve to the right having a central angle of 09°53'01", a radius of 1406.23 feet and a back tangent bearing of N. 37°21'32"W., a point for corner.

THENCE, Around said curve, a distance of 242.58 feet to the end of said curve a point for corner.

THENCE, N. 27°28'31"W., a distance of 433.35 feet to a point for corner.

THENCE, S. 62°31'29"W., a distance of 35.00 feet to a point for corner.

THENCE, N. 27°28'31"W., a distance of 25.00 feet to a point for corner.

THENCE, N. 62°31'20"E., a distance of 184.27 feet to a point on the said Northwest Drive Southwesterly line and to the beginning of a curve to the right having a central angle of 01°50'40", a radius of 1382.40 feet and a back tangent bearing of S. 29°19'11"E., a point for corner.

THENCE, Along the said Northwest Drive Southwesterly line and around said curve to the right a distance of 44.50 feet to the end of said curve, a point for corner.

THENCE, S. 27°28'31"E., continuing along said Northwest Drive Southwesterly line, a distance of 413.87 feet to the beginning of a curve to the left having a central angle of 16°53'57" and a radius of 1256.23 feet, a point for corner.

THENCE, Around said curve, a distance of 370.51 feet to the end of said curve, a point for corner.

THENCE, S. 44°22'28"E., continuing along said Northeast Drive Southwesterly line a distance of 956.24 feet to the Place of Beginning and containing 25.474 Acres of Land.

FIELD NOTES
Tract - 2

BEING a tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:
 BEGINNING at the intersection of the Northerly line of Oates Drive (a 60' R.O.W.) with the Southwesterly line of Northwest Drive (a 100' R.O.W.) an iron stake found for corner.
 THENCE, S. 45°25'14"W., along the said Oates Drive Northerly line a distance of 464.00 feet to an iron stake set for corner.
 THENCE, N. 66°26'W., a distance of 43.35 feet to a point for corner.
 THENCE, N. 54°46'W., a distance of 355.37 feet to a point for corner.
 THENCE, N. 45°25'14"E., a distance of 544.38 feet to a point on the said Northwest Drive Southwesterly line an iron stake set for corner.
 THENCE, S. 44°22'28"E., along said Northwest Drive Southwesterly, line a distance of 390.00 feet to the Place of Beginning and containing 4.550 Acres of Land.

FIELD NOTES

Tract 3-A

BEING a tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:
 BEGINNING at a point on the Northerly line of Oates Drive (a 60' R.O.W.) said point being S. 45°25'14"W., a distance of 464.00 feet from the Southwesterly line of Northwest Drive (a 100' R.O.W.) an iron stake set for corner.
 THENCE, S. 45°25'14"W., along said Oates Drive Northerly line a distance of 825.75 feet to a point on the Northerly line of a 175 feet Dallas Power and Light Co. R.O.W., an iron stake found for corner.
 THENCE, N. 62°23'W., along said Dallas Power and Light Co. 175 feet R.O.W., a distance of 1401.94 feet to a concrete monument found for corner.
 THENCE, N. 45°20'40"E., along the Southeasterly line of a tract of land owned by First Continental Enterprise Inc., (9-4-69) a distance of 322.00 feet to a point for corner.
 THENCE, N. 87°07'26"E., a distance of 373.91 feet to a point for corner.
 THENCE, N. 69°34'E., a distance of 325.50 feet to the beginning of a curve to the right having a central angle of 55°40' and a radius of 420.00 feet, a point for corner.
 THENCE, Around said curve, a distance of 408.06 feet to the end of said curve, a point for corner.
 THENCE, S. 54°46'E., a distance of 613.00 feet to a point for corner.
 THENCE, S. 66°26'E., a distance of 43.35 feet to the Place of Beginning and containing 23.60 Acres of Land.

Tract 3-B

BEING a tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:
 BEGINNING at a point on the Northerly line of Oates Drive (a 60' R.O.W.) said point being N. 45°25'14"E., a distance of 760.97 feet from the Easterly line of Interstate Highway No. 635, an iron stake set for corner.
 THENCE, N. 44°35'07"W., a distance of 241.00 feet to an iron stake set for corner.
 THENCE, N. 44°10'07"W., a distance of 689.35 feet to a point for corner.
 THENCE, S. 32°25'20"W., a distance of 398.73 feet to a point on the Easterly line of Interstate Highway No. 635, an iron stake set for corner.
 THENCE, N. 09°01'20"W., along said Interstate Highway No. 635, a distance of 606.72 feet to a concrete monument found for corner.
 THENCE, N. 45°20'40"E., along the Southeasterly line of a tract of land owned by First Continental Enterprise Inc. (9-4-69) a distance of 158.60 feet to an iron stake set for corner.
 THENCE, S. 62°23'E., along the Southerly line of a 175 feet Dallas Power & Light Co. R.O.W. a distance of 1401.71 feet to a point on the Northerly line of Oates Drive, an iron stake found for corner.
 THENCE, S. 45°25'14"W., along said Oates Drive Northerly line, a distance of 557.00 feet to the Place of Beginning and containing 12.413 Acres of Land.

FIELD NOTES

Tract 4

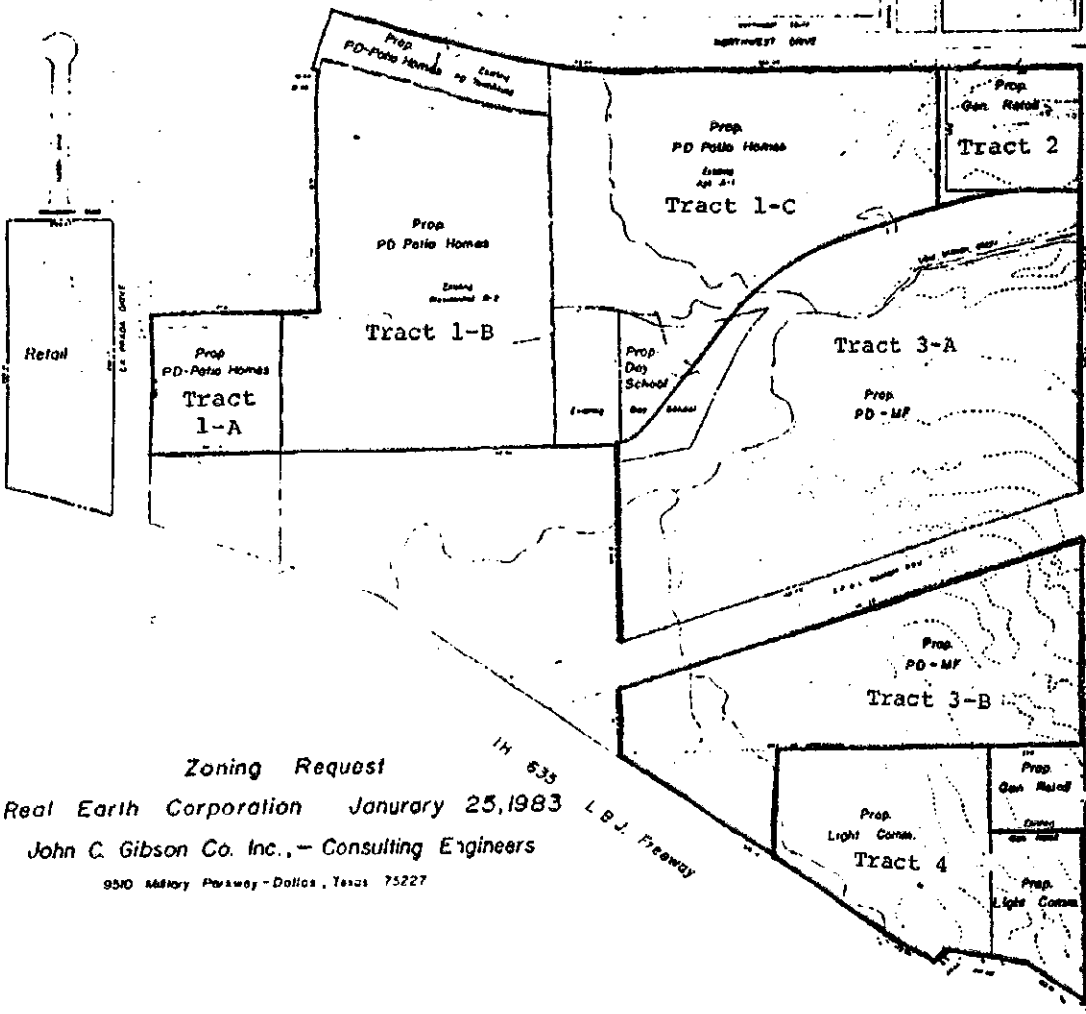
BEING a tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas being more particularly described as follows:

BEGINNING at the intersection of the Northwesterly line of Oates Drive (a 60' R.O.W. at this point) with the Southeasterly line of Interstate Highway No. 635 an iron stake found for corner.

THENCE, Along the Southeasterly line of Interstate Highway No. 635 in a Northerly direction the following:

- N. 44°42'46"W., a distance of 20.00 feet to an iron stake found for corner,
 - N. 10°34'49"W., a distance of 198.10 feet to a concrete monument found for corner,
 - N. 33°03'34"W., a distance of 212.50 feet to a concrete monument found for corner,
 - S. 85°10'W., a distance of 60.56 feet to a concrete monument found for corner,
 - N. 15°20'03"W., a distance of 173.08 feet to a concrete monument found for corner,
 - N. 09°01'20"W., a distance of 308.92 feet to an iron stake set for corner.
- THENCE, N. 32°25'20"E., a distance of 398.13 feet to a point for corner.
- THENCE, S. 44°10'07"E., a distance of 660.35 feet to an iron stake set for corner.
- THENCE, S. 45°25'14"W., a distance of 250.21 feet to an iron stake set for corner.
- THENCE, S. 44°35'07"E., a distance of 270.00 feet to a point on the said Oates Drive Northwesterly line, an iron stake set for corner.
- THENCE, S. 45°25'14"W., along said Oates Drive Northwesterly line, a distance of 510.97 feet to the Place of Beginning and containing 10.382 Acres Gross of Land.

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Zoning Request

Real Earth Corporation January 25, 1983

John C. Gibson Co. Inc. - Consulting Engineers

950 Military Parkway - Dallas, Texas 75227