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ORDINANCE NO. 1888  
File No. 1462-140

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 COMMERCIAL TO PLANNED DEVELOPMENT MULTIFAMILY AT A DENSITY OF 22 UNITS PER ACRE ON A TRACT LOCATED NORTH AND EAST OF THE ANTHONY DRIVE AND US 80 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 Commercial to Planned Development Multifamily at a density of 22 units per acre on a tract located north and east of the Anthony Drive and US 80 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.

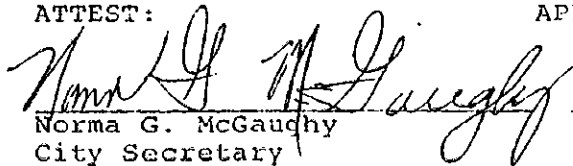
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction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

  
Mrs. Brunhilde Nystrom  
MAYOR

ATTEST:

  
Norma G. McGauchy  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

Cook Consultants, Inc.  
Project No. 82250  
May 24, 1983

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LEGAL DESCRIPTION

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron stake on the easterly line of Anthony Drive (a 50' R.O.W.), said point being the following bearings and distances from the intersection of the southeasterly line of said Anthony Drive and the southwesterly line of Eastbrook Drive (a 50' R.O.W.);

Along said southeasterly line of Anthony Drive S 44° 25' W, a distance of 507.32 feet to an iron stake at the centerline of a 50' wide drainage easement;

THENCE, S 44° 25' W, a distance of 30.00 feet to an iron stake that is the beginning of a curve to the left, having a central angle of 40° 26' and a radius of 100.00 feet;

THENCE, continuing along said southeasterly line of Anthony Drive along the arc of said curve a distance of 70.57 feet to an iron stake at the end of said curve;

THENCE, continuing along the easterly line of said Anthony Drive S 3° 59' W, a distance of 399.53 feet to the iron stake that is THE POINT OF BEGINNING;

THENCE, departing from the easterly line of said Anthony Drive, S 86° 41' E, a distance of 466.89 feet to an iron stake for corner;

THENCE, N 88° 57' E, a distance of 262.47 feet to an iron stake for corner that is in the centerline of the aforesaid 50' wide drainage easement;

THENCE, along the centerline of said drainage easement the following:

S 35° 30' E, a distance of 64.88 feet to an iron stake for corner;

S 32° 57' E, a distance of 231.13 feet to an iron stake for corner that is in the northerly line of Interstate Highway 20, a 300-foot R.O.W.;

THENCE, along said northerly line of Interstate Highway 20, S 88° 57' W, a distance of 454.83 feet to an iron stake for corner;

THENCE, continuing along said northerly line of Interstate Highway 20, N 86° 41' W, a distance of 300.58 feet to an iron stake for corner;

THENCE, departing from Interstate Highway 20, N 3° 59' E, a distance of 165.84 feet to an iron stake for corner;

THENCE, N 86° 01' W, a distance of 155.00 feet to an iron stake for corner that is in the easterly line of said Anthony Drive;

THENCE, along the easterly line of said Anthony Drive, N 3° 59' E, 84.18 feet to THE POINT OF BEGINNING AND CONTAINING 4.139 acres of land, more or less.

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