

ORDINANCE NO. 1904  
File No. 810-23

00125

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 A-1 AND COMMERCIAL TO PLANNED DEVELOPMENT MULTIFAMILY AT A DENSITY OF 18.3 UNITS PER ACRE ON TRACT 1 AND PLANNED DEVELOPMENT DUPLEX AT A DENISTY OF 7.7 UNITS PER ACRE WITH THE STIPULATION THAT LEE STREET BE CONSTRUCTED THROUGH TO KEARNEY STREET AT THE TIME OF DEVELOPMENT OF THE TWO TRACTS. THE TWO TRACTS ARE LOCATED GENERALLY NORTH AND EAST OF THE KEARNEY STREET AND MATADOR STREET 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 A-1 and Commercial to Planned Development Multifamily at a density of 18.3 units per acre on Tract 1 and Planned Development Duplex at a denisty of 7.7 units per acre with the stipulation that Lee Street be constructed through to Kearney Street at the time of development of the two tracts. The two tracts

are located generally north and east of the Kearney Street and Matador Street 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 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 11th day of July, A.D., 1983.

*Mrs Brunhilde Nystrom*  
MRS. BRUNHILDE NYSTROM  
MAYOR

ATTEST:

APPROVED AS TO FORM:

*Norma G. McGaughey*  
Norma G. McGaughey  
City Secretary

Elland Archer  
City Attorney

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TRACT 1 - Planned Development Multifamily at 18.3 units per acre

LEGAL DESCRIPTION

BEING a tract of land situated in the John Lackey Survey, Abstract No. 810, the McKinney and Williams Survey, Abstract No. 1024 and the Swing and Laws Survey, Abstract No. 1396 Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the North right-of-way line of Kearney Street (an 80' R.O.W.) and the West right-of-way line of Matador Lane (a 60' R.O.W.); thence along said West line of Matador Lane North 00 deg. 01 min. 30 sec. West a distance of 285.00 feet to the POINT OF BEGINNING, said point being the Northeast corner of Los Brisas Addition, Block 2, Lot 1, an addition to the City of Mesquite, Texas as recorded in Volume 80147, Page 0052 of the Deed Records of Dallas County, Texas;

THENCE South 89 deg. 58 min. 30 sec. West a distance of 378.64 feet to an angle point;

THENCE North 13 deg. 28 min. 30 sec. East a distance of 186.93 feet to an angle point;

THENCE North 27 deg. 52 min. 32 sec. West a distance of 33.04 feet to a point for corner, said point being in the Southeast line of El Rosa Addition, an addition to the City of Mesquite, Texas as recorded in Volume 39, Page 83 of the Map Records of Dallas County, Texas;

THENCE North 62 deg. 07 min. 28 sec. East a distance of 1169.01 feet along said Southeast line of El Rosa Addition to a point for corner;

THENCE South 27 deg. 52 min. 32 sec. East a distance of 419.98 feet to a point for the beginning of a curve to the right having a radius of 320.00 feet and a central angle of 27 deg. 51 min. 02 sec.;

THENCE along said curve to the right a distance of 155.55 feet to a point for the end of said curve;

THENCE South 00 deg. 01 min. 30 sec. East a distance of 78.27 feet to a point for the beginning of a curve to the left having a radius of 530.00 feet and a central angle of 10 deg. 44 min. 05 sec.;

THENCE along said curve to the left a distance of 99.30 feet to a point for the beginning of a reverse curve to the right having a radius of 470.00 feet and a central angle of 04 deg. 13 min. 40 sec.;

TRACT 2 - Planned Development Duplex at 7.7 units per acre (0129)  
LEGAL DESCRIPTION

BEING a tract of land situated in the John Lackey Survey, Abstract No. 810, the McKinney and Williams Survey, Abstract No. 1024 and the Swing and Laws Survey, Abstract No. 1396 Dallas County, Texas and being more particularly described as follows:

COMMENCING at the Southwest corner of Pasadena Gardens Addition No. 2, an addition to the City of Mesquite, Texas as recorded in Volume 34, Page 17 of the Map Records of Dallas County, Texas; thence North 00 deg. 25 min 03 sec. West a distance of 310.00 feet along the West line of Pasadena Gardens Addition No. 3, an addition to the City of Mesquite, Texas as recorded in Volume 35, Page 91 of the Map Records of Dallas County, Texas to the POINT OF BEGINNING;

THENCE South 89 deg. 58 min. 30 sec. West a distance of 755.39 feet to a point on a curve;

THENCE in a Northwesterly direction along a curve to the left having a radius of 470.00 feet and a central angle of 04 deg. 13 min. 40 sec.;

THENCE along said curve to the left a distance of 34.68 feet to a point for the beginning of a reverse curve to the right having a radius of 530.00 feet and a central angle of 10 deg. 44 min. 05 sec.;

THENCE along said curve to the right a distance of 99.30 feet to a point for the end of said curve;

THENCE North 00 deg. 01 min. 30 sec. West a distance of 78.27 feet to a point for the beginning of a curve to the left having a radius of 320.00 feet and a central angle of 27 deg. 51 min. 02 sec.;

THENCE along said curve to the left a distance of 155.55 feet to a point for the end of said curve;

THENCE North 27 deg. 52 min. 32 sec. West a distance of 419.98 feet to a point for corner, said point being in the Southeast line of El Rosa Addition, an addition to the City of Mesquite, Texas as recorded in Volume 39, Page 83 of the Map Records of Dallas County, Texas;

THENCE along said Southeast line of El Rosa Addition North 62 deg. 07 min. 28 sec. East a distance of 973.21 feet to an angle point;

THENCE along a South line of said El Rosa Addition North 89 deg. 58 min. 58 sec. East a distance of 134.52 feet to a point for corner, said point being in said West line of Pasadena Gardens Addition No. 3;

THENCE South 00 deg. 25 min. 03 sec. East a distance of 1186.76 feet to the POINT OF BEGINNING and containing 870,531 sq. ft. or 19.9846 acres of land.

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THENCE along said curve to the right a distance of 34.68 feet to a point for the end of said curve;

THENCE South 89 deg. 58 min. 30 sec. West a distance of 342.54 feet to an angle point, said point being the Southeast corner of Lot 2, Los Brisas Addition as recorded in Volume 68018, Page 15 of the Deed Records of Dallas County, Texas;

THENCE North 27 deg. 48 min. 00 sec. West a distance of 374.80 feet along the East line of said Los Brisas Addition to a point for corner;

THENCE South 62 deg. 12 min. 00 sec. West a distance of 343.86 feet along the Northwest right-of-way line of Matador Lane to a point for the beginning of a curve to the left having a radius of 205.00 feet and a central angle of 62 deg. 13 min. 30 sec.;

THENCE along said curve to the left a distance of 222.64 feet to a point for the end of said curve;

THENCE continuing along said Northwest line of Matador Lane South 00 deg. 01 min. 30 sec. East a distance of 15.00 feet to the POINT OF BEGINNING and containing 485,120 sq. ft. or 11.1368 acres of land.