

ORDINANCE NO. 1910
File No. 1461-76

00143

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 PLANNED DEVELOPMENT-TOWNHOUSE TO PLANNED DEVELOPMENT MULTIFAMILY AT 18 UNITS PER ACRE WITH THE STIPULATION THAT NO UNIT EXCEED TWO STORIES IN HEIGHT. THE 33 ACRE TRACT IS LOCATED EAST OF THE I-635 AND NORTH GALLOWAY AVENUE 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 Planned Development-Townhouse to Planned Development Multifamily at 18 units per acre with the stipulation that no unit exceed two stories in height. The 33 acre tract is located east of the I-635 and North Galloway Avenue 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 18th day of July, A.D., 1983.


 MRS. BRUNHILDE NYSTROM
 MAYOR

ATTEST:


 Norma G. McGaughy
 City Secretary

APPROVED AS TO FORM:

 Elland Archer
 City Attorney

DATES CORNERS

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Tract 1

Being 30.56 acres of land situated in the Theopalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being part of the 100 acre tract of land described in a deed to R. Guy Carter as recorded in Volume 4083, Page 455 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a found 1 inch iron pipe in the south line of said R. Guy Carter tract the same being the north line of a tract described in deed to the Christian College Addition to the City of Mesquite as recorded in Volume 77151, Page 2696 of Deed Records of Dallas County, Texas, said point being 45.00 feet east of the east line of Galloway Avenue as measured along the north line of the said Christian College Addition.

THENCE N $44^{\circ}52'44''$ W, along the east line of LBJ Freeway; Reference condemnation judgement as records in Volume 781, Page 0028 Dallas County, Texas; a distance of 109.21 feet to a found Texas Highway Department (THD) concrete monument.

THENCE N $10^{\circ}32'11''$ W, continuing along the east line of the LBJ Freeway, 534.76 feet to a set $3/4$ inch iron pipe.

THENCE N $48^{\circ}02'16''$ E, along the center line of a Texas Power and Light Company easement; reference Volume 1372, Page 120 of the Deed Records of Dallas County, Texas; 221.73 feet to a set $3/4$ inch iron pipe.

THENCE N $47^{\circ}43'08''$ E, continuing along the center line of said Texas Power and Light Company easement, 2239.84 feet to a set $3/4$ inch iron pipe in the west line of a tract described in deed to the Dallas Power and Light Company right-of-way as recorded in Volume 5458, Page 218 of the Deed Records of Dallas County, Texas.

THENCE S $62^{\circ}49'13''$ E, along the west line of said Dallas Power and Light Company tract, 450.60 feet to a found $3/8$ inch iron rod.

THENCE S $44^{\circ}56'17''$ W, along the south line of the aforesaid R. Carter tract, 2899.48 feet to the POINT OF BEGINNING and containing 30.56 acres of land be the same more or less.

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