

ORDINANCE NO. 1913
File No. 1462-151

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 APARTMENT TO PLANNED DEVELOPMENT MULTIFAMILY AT A DENSITY OF 22 UNITS PER ACRE WITH THE STIPULATION THAT A 4-LANE UNDIVIDED ROADWAY MUST BE CONSTRUCTED WITH THE MULTI-FAMILY DEVELOPMENT FROM GROSS ROAD ACROSS SOUTH MESQUITE CREEK TO THE NORTH-EASTERN PORTION OF THE PROPERTY. THE SUBJECT PROPERTY IS LOCATED GENERALLY NORTH AND WEST OF THE US 80 AND I-635 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 A-1 Apartment to Planned Development Multifamily at a density of 22 units per acre with the stipulation that a 4-lane undivided roadway must be constructed with

the multi-family development from Gross Road across South Mesquite Creek to the northeastern portion of the property. The subject property is located generally north and west of the US 80 and I-63 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.

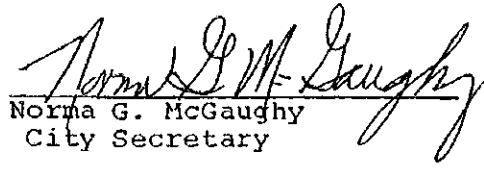
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 1st day of August, A.D., 1983.


MRS. BRUNHILDE NYSTROM
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

00154

METES AND BOUNDS DESCRIPTION

Being two parcels of land, Tract A and Tract B, containing 24.793 acres and 5.897 acres of land respectively, situated in the Daniel Tanner League Survey, Abstract 1462, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

TRACT A:

Commencing at an iron pin at the most westerly corner of a tract of land conveyed to Irving Kein from J.B. and Florence Galloway by deed in Volume 70165, Page 1375, Deed Records of Dallas County, Texas; said point being on the southerly line of a tract of land conveyed to Dallas Power and Light Co. by deed recorded in Volume 5547, Page 30, Deed Records of Dallas County, Texas; Thence S 44° 53' 57" W, 41.86 feet along said D.P. & L. tract to an iron pin; Thence S 74° 47' 23" W, 292.68 feet along said D.P. & L. tract to the POINT OF BEGINNING:

THENCE, S 04° 35' 00" E, 515.00 feet to a point for corner;

THENCE, S 86° 22' 00" W, 324.49 feet to a point for corner;

THENCE, S 04° 35' 00" E, 664.94 feet to a point for corner;

THENCE, S 43° 22' 00" W, 302.42 feet to an iron pin for corner;

THENCE, N 61° 59' 58" W, 447.63 feet to an iron pin for corner;

THENCE, N 61° 57' 55" W, 208.53 feet to an iron pin for corner;

THENCE, N 62° 04' 00" W, 466.79 feet to an iron pin for corner on the southerly line of said D.P. & L. Co. tract;

THENCE, N 44° 43' 20" E, 965.42 feet along said D.P. & L. tract to an iron pin for corner;

THENCE, N 74° 47' 23" E, 776.78 feet along said D.P. & L. tract to the POINT OF BEGINNING and containing 24.793 acres of land, more or less.

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TRACT B:

00155

Beginning at the northwest corner of a tract of land conveyed to Dallas Power and Light Company by R.A. Slopey, et ux, by deed recorded in Volume 5547, Page 30, Deed Records of Dallas County, Texas;

THENCE, N 46° 22' 03" E, 93.74 feet to an iron pin;

THENCE, N 22° 02' 27" W, 205.80 feet to an iron pin;

THENCE, N 44° 50' 27" E, 542.16 feet to an iron pin at a fence post;

THENCE, S 45° 16' 12" E, 541.08 feet to an iron pin;

THENCE, S 44° 25' 38" E, 54.04 feet to an iron pin on the northerly line of said D.P. & L. tract;

THENCE, S 45° 00' 43" W, with said D.P. & L. tract, 8.40 feet to a an iron pin;

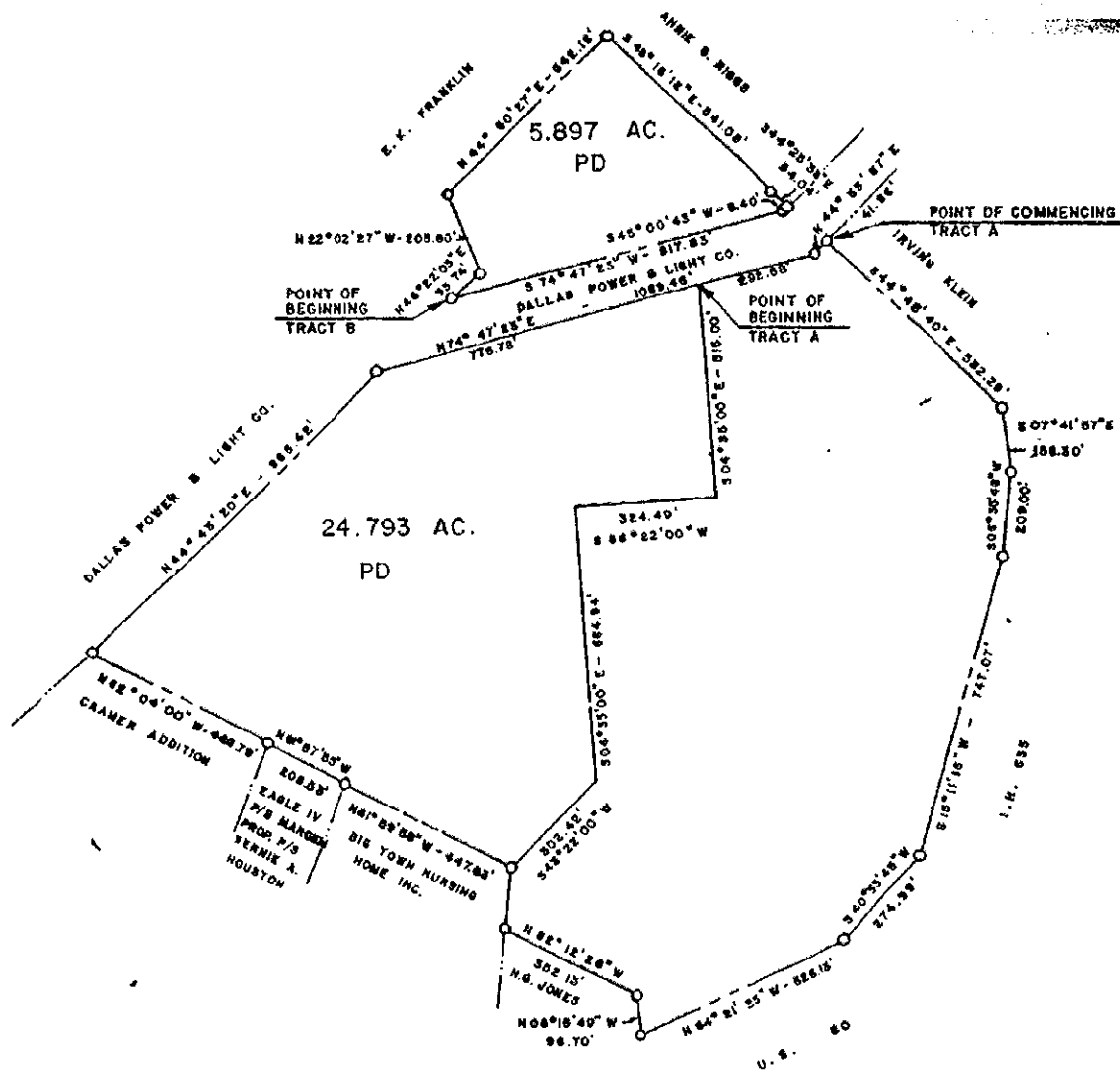
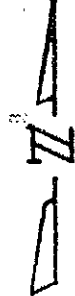
THENCE, S 74° 47' 23" W, with said D.P. & L. tract, 817.83 feet to the POINT OF BEGINNING and containing 5.897 acres of land, more or less.

DANNENBAUM ENGINEERING CORPORATION
Consulting Engineers

RHM;gs
1256-OB

file # 1462-151

00156



SURVEY MAP

-FOR A

30.69 ACRE TRACT

DANIEL TANNER LEAGUE SURVEY

A-1462

CITY OF MESQUITE
DALLAS COUNTY, TEXAS

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