

ORDINANCE NO. 1915
File No. 1462-148

00161

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 AND A-1 APARTMENT TO PLANNED DEVELOPMENT MULTIFAMILY AT A DENSITY OF 22 UNITS PER ACRE ON TRACT 1 AND GENERAL RETAIL AND/OR PLANNED DEVELOPMENT MULTIFAMILY AT 22 UNITS PER ACRE ON TRACT 2. THE SUBJECT PROPERTY IS LOCATED GENERALLY NORTH AND WEST OF THE GROSS ROAD AND HILLCREST 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 General Retail and A-1 Apartment to Planned Development Multifamily at a density of 22 units per acre on Tract 1 and General Retail and/or Planned Development Multifamily at 22 units per acre on Tract 2. The subject property is located generally north and west of the Gross Road and Hillcrest Street 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 1st day of August, A.D., 1983.

Mrs. Bruhilde Nystrom
MRS. BRUHILDE NYSTROM
MAYOR

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughy
Norma G. McGaughy
City Secretary

Elland Archer
Elland Archer
City Attorney

Cook Consultants, Inc.
Project No. 83206
July 26, 1983

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LEGAL DESCRIPTION (TRACT 1)

PROPOSED MF-1

Being a tract of land out of the Daniel Tanner League, Abstract No. 1462, also being a part of Tract No. 43 of the Daniel Tanner League Partition as recorded in Volume 51, page 283 of the Deed Records of Dallas County, Texas, situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

Commencing at an iron rod found at the south corner of Northridge Estates No. 6, an addition to the City of Mesquite, Texas, according to the plat recorded in Volume 40, page 37, Map Records of Dallas County, Texas, said point being on the northeast line of Gross Road (120.0' R.O.W.), 111.78 feet southeast of its intersection with the southeast line of Ridgeview Street, (50.0' R.O.W.), said point also being on the southeast line of a 5.0 ft. alley;

THENCE, S 45° 40' 15" E, a distance of 1,056.80 ft. along the northeast line of Gross Road to THE POINT OF BEGINNING;

THENCE, N 44° 27' 38" E, a distance of 207.43 ft. to a point for corner;

THENCE, N 45° 40' 15" W, a distance of 210.00 ft. to a point for corner;

THENCE, N 44° 27' 38" E, a distance of 103.71 ft. to a point for corner;

THENCE, N 45° 40' 15" W, a distance of 243.50 ft. to a point for corner;

THENCE, N 44° 27' 38" E, a distance of 298.86 ft. to a point for corner in the southwest line of Redman Square Apartments, an addition to the City of Mesquite, filed in Volume 71172, page 2111, Deed Records of Dallas County, Texas;

THENCE, S 45° 40' 13" E, a distance of 279.70 ft. to a point for corner which is the southernmost corner of said addition;

THENCE, N 44° 21' 53" E, a distance of 195.93 ft. to a point for corner;

THENCE, N 45° 38' 07" W, a distance of 54.67 ft. to a point for corner;

THENCE, N 44° 21' 53" E, a distance of 76.50 ft. to a point for corner;

THENCE, N 45° 38' 07" W, a distance of 23.33 ft. to a point for corner;

THENCE, N 44° 21' 53" E, a distance of 380.00 ft. to a point for corner;

THENCE, N 45° 38' 07" W, a distance of 210.00 ft. to a point for corner;

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THENCE, N 44° 21' 53" E, a distance of 16.00 ft. to a point for corner;
THENCE, N 45° 38' 07" W, a distance of 228.00 ft. to a point for corner;
THENCE, S 44° 21' 53" W, a distance of 28.00 ft. to a point for corner;
THENCE, N 45° 38' 07" W, a distance of 147.00 ft. to a point for corner;
THENCE, N 44° 21' 53" E, a distance of 41.86 ft. to a point for corner;
THENCE, N 45° 38' 07" W, a distance of 30.00 ft. to a point for corner;
THENCE, N 44° 21' 53" E, a distance of 298.28 ft. to a point for corner;
THENCE, S 45° 40' 15" E, a distance of 1,082.36 ft. to a point for corner;
THENCE, S 44° 27' 38" W, a distance of 565.71 ft. to a point for corner;
THENCE, S 45° 40' 15" E, a distance of 308.00 ft. to a point for corner;
THENCE, S 44° 27' 38" W, a distance of 1,025.29 ft. to a point for corner in
the northeast right-of-way line of Gross Road;
THENCE, N 45° 40' 15" W, a distance of 522.11 ft. to THE POINT OF BEGINNING
AND CONTAINING 1,243,338.7 square feet or 28.543 acres of land, more or less.

Cook Consultants, Inc.
Project No. 83206
July 26, 1983

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LEGAL DESCRIPTION (TRACT 2)

PROPOSED RETAIL

Being a tract of land out of the Daniel Tanner League, Abstract No. 1462, also being a part of Tract No. 43 of the Daniel Tanner League Partition as recorded in Volume 51, page 283 of the Deed Records of Dallas County, Texas, situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

Commencing at an iron rod found at the south corner of Northridge Estates No. 6, an addition to the City of Mesquite, Texas, according to the plat recorded in Volume 40, page 37, Map Records of Dallas County, Texas, said point being on the northeast line of Gross Road (120.0' R.O.W.), 111.78 feet southeast of its intersection with the southeast line of Ridgeview Street, (50.0' R.O.W.), said point also being on the southeast line of a 5.0 ft. alley;

THENCE, S 45° 40' 15" E, a distance of 846.80 ft. along the northeast line of Gross Road to THE POINT OF BEGINNING;

THENCE, N 44° 27' 38" E, a distance of 207.43 ft. to a point for corner;

THENCE, S 45° 40' 15" E, a distance of 210.00 ft. to a point for corner;

THENCE, S 44° 27' 38" W, a distance of 207.43 ft. to a point for corner in the northeast line of Gross Road;

THENCE, N 45° 40' 15" W, a distance of 210.00 ft. along the northeast line of Gross Road to THE POINT OF BEGINNING AND CONTAINING 43,560.30 square feet or 1.00 acres of land, more or less.

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FIELD NOTES
0.6484 ACRE TRACT

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ING a tract of land situated in the J. A. Coats Survey Abstract No. 339 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point of reference at the intersection of the West line of Galloway Avenue (100 ft. R.O.W.) with the South line of Poteet Drive (60 ft. R.O.W.); Thence North $89^{\circ} 51' 27''$ West, along said South line of Poteet Drive a distance of 200.00 feet to a point for the beginning of a circular curve to the left; thence along said circular curve to the left having a central angle of $2^{\circ} 14' 19''$, a radius of 640.00 feet, a tangent length of 12.51 feet, and an arc length of 25.01 feet to the end of said circular curve to the left and an iron rod set for the POINT OF BEGINNING:

THENCE: South $00^{\circ} 08' 33''$ West, leaving said South line of Poteet Drive a distance of 396.11 feet to an iron rod set for a corner;

THENCE: North $20^{\circ} 26' 05''$ West, along a 50 foot drainage easement a distance of 400.32 feet to an iron rod set in said South line of Poteet Drive, also in a circular curve to the right;

THENCE: Along said South line of Poteet Drive also along said circular curve to the right having a beginning tangent bearing of North $75^{\circ} 08' 14''$ East, a central angle of $12^{\circ} 46' 00''$, a radius of 670.00 feet, a tangent length of 71.60 feet, and an arc length of 142.60 feet to the POINT OF BEGINNING and containing 0.6484 Acre (28,243 sq.ft.) of land.

To any person, firm or corporation relying upon the accuracy of this survey or plat, I, David E. Pierson, Registered Public Surveyor, State of Texas, do certify that this plat represents measurements performed upon the ground under my supervision, and indicates all set back lines, easements, and fences as they are visible on the ground, and that all improvements, if any, are wholly within the boundary lines of the property, and that there are no encroachments, conflicts, protrusions, or overlapping of improvements except as shown hereon. This is a true and correct survey.

file # 339-9

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