

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 TO PLANNED DEVELOPMENT FOR PATIO HOMES WITH A MAXIMUM OF 81 LOTS AND HAVING A MINIMUM UNIT SIZE OF 1100 SQUARE FEET ON A TRACT LOCATED SOUTH AND WEST OF THE NEWSOM ROAD AND PIONEER ROAD 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 Regulation 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 to Planned Development for patio homes with a maximum of 81 lots and having a minimum unit size of 1100 square feet on a tract located south and west of the Newsom Road and Pioneer Road 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 12th day of September, A.D., 1983.

Mrs. Brunhilde Nystrom
MRS. BRUNHILDE NYSTROM
MAYOR

ATTEST:

Norma G. McLaughy
Norma G. McLaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
Elland Archer
City Attorney

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This is to certify that I have, this date, made a careful and accurate survey on the ground of the property located on Pioneer Road at Newsom Road, and being 12.212 acre tract of land out of the ABE MOORE SURVEY, ABSTRACT NO. 975, and described more particularly as follows:

BEGINNING at the intersection of the West line of Pioneer Road (70 foot wide) and the South line of Newsom Road (Old East Pike or Forney-Mesquite Road) said point being the Northwest corner of a 0.194 acre tract of land described in a deed to the City of Mesquite from George Lucas on March 6, 1973, recorded in Volume 73060, Page 2019, Deed Records of Dallas County, Texas;

THENCE N 89° 37' 24" W along the South line of Newsom Road a distance of 153.57 feet to the POINT OF BEGINNING;

THENCE N 89° 37' 24" W along the South line of Newsom Road a distance of 562.98 feet to an iron stake for corner at the Northeast corner of Mesquite Park Subdivision No. 3, an addition to the City of Mesquite, according to the plat thereof recorded in Volume 22, Page 255, of Map Records of Dallas County, Texas, same being on the West line of a 20 foot alley;

THENCE S 03° 16' 48" W along the East line of said addition and 20 foot alley, a distance of 844.30 feet to an iron stake for corner on the North line of a 15 foot alley;

THENCE S 89° 24' 53" E along the North line of said 15 foot alley and also the North line of Mesquite Park Subdivision No. 4, an addition to the City of Mesquite, Texas, according to the map thereof recorded in Volume 25, Page 237, Map Records of Dallas County, Texas, a distance of 763.89 feet to an iron stake for corner in the present West right-of-way line of Pioneer Road (70 feet wide);

THENCE N 00° 04' E along the West line of said City of Mesquite 0.194 acre tract and the West right-of-way line of Pioneer Road, a distance of 283.06 feet to an iron stake set for corner;

THENCE N 88° 06' 49" W a distance of 181.89 feet to an iron stake set for corner;

THENCE N 03° 16' 48" E a distance of 497.73 feet to an iron stake set for angle point;

THENCE N 02° 22' 36" E a distance of 61.11 feet to the POINT OF BEGINNING and containing in all 12.212 acres of land.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record. The lines and dimensions of said property being as indicated by the plat.