

00229

ORDINANCE NO. 1930
File No. 1662-1

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 AGRICULTURAL AND R-1 TO PLANNED DEVELOPMENT SINGLE FAMILY WITH A MINIMUM ONE-HALF ACRE LOT SIZE AND A MINIMUM 1400 SQUARE FOOT UNIT SIZE ON TRACT 1; R-1 ON TRACT 2 AND R-2 ON TRACTS 3-7. THE TRACT IS LOCATED GENERALLY BETWEEN NEWSOM ROAD AND MESQUITE VALLEY ROAD EAST AND WEST OF NORTH MESQUITE CREEK; 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 Agricultural and R-1 to Planned Development Single Family with a minimum one-half acre lot size and a minimum 1400 square foot unit size on Tract 1; R-1 on Tract 2 and R-2 on Tracts 3-7. The tract is located generally between Newsom Road and Mesquite Valley Road east and west of North Mesquite Creek; City of Mesquite, Dallas County, Texas, and being more fully in exhibit "A" attached hereto.

00230

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.

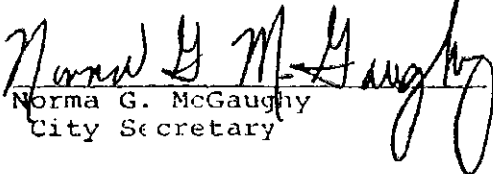
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 19th day of September, A.D., 1983.


MRS. BRUNHILDE NYSTROM
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Eiland Archer
City Attorney

TRACT 1
ZONING FIELD NOTES
127.00 ACRES

00231

BEING a tract of land situated in the J.P. Anderson Survey, Abstract No.1, the A.P. Lanier Survey, Abstract No. 1662 and the A.P. Summers Survey, Abstract No. 1676, Dallas County, Texas, and being part of a tract of land as conveyed to B.J. Anderson, Trustee by deed recorded in Volume 73235 Page 215 and part of the property described in deed to Bruton Pinson Hailey and wife, Adeline James Hailey, recorded in Volume 4175 Page 410, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the West corner of the hereinabove mentioned B.J. Anderson tract, said point also being the North corner of the Alma Heights Addition to the City of Mesquite, as recorded in Volume 10 Page 111 of the Plat Records of Dallas County, Texas;

THENCE South $44^{\circ} 47' 08''$ East along the Northeast line of said Alma Heights Addition, a distance of 1887.66 ft. to a point in the old centerline of Mesquite Valley Road, a point for a corner;

THENCE South $44^{\circ} 46' 00''$ West along the old centerline of Mesquite Valley Road a distance of 360.70 ft. to a point in the Northerly right of way line of Mesquite Valley Road as now exists, a point for corner in a curve, curving to the right the chord of which bears North $74^{\circ} 33' 20''$ East a distance of 181.63 ft. and which has a radius of 613.69 ft.;

THENCE along said curve through a central angle of $17^{\circ} 01' 12''$ an arc distance of 182.39 ft. to the end of said curve;

THENCE North $83^{\circ} 03' 55''$ East with said right of way a distance of 371.00 ft. to the beginning of a curve to the left which has a chord that bears North $63^{\circ} 46' 58''$ East a distance of 446.98 ft., and which has a radius of 676.78 ft.;

THENCE with said curve to the left through a central angle of $38^{\circ} 33' 54''$ an arc distance of 455.53 ft. to the end of said curve;

THENCE North $44^{\circ} 30' 00''$ East with said right of way a distance of 389.90 ft. to the beginning of a curve to the right which has a chord that bears North $52^{\circ} 38' 56''$ East a distance of 282.19 ft., and which has a radius of 995.37 ft.;

THENCE with said curve to the right through a central angle of $16^{\circ} 17' 54''$ an arc distance of 283.14 ft. to a point in the old centerline of Mesquite Valley Road, a point for corner;

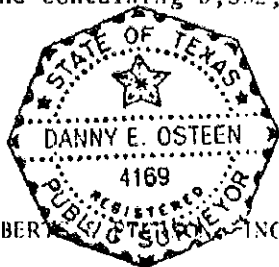
THENCE North $44^{\circ} 30' 00''$ East along the old centerline of Mesquite Valley Road, a distance of 667.26 ft. to a fence corner, a point for corner;

THENCE North $22^{\circ} 40' 35''$ West a distance of 2574.22 ft. to a point for a corner;

THENCE South $44^{\circ} 50' 58''$ West a distance of 1005.84 ft. to a point for a corner;

THENCE South $45^{\circ} 02' 00''$ West a distance of 1814.25 ft. to the POINT OF

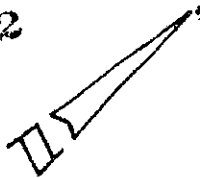
BEGINNING and containing 5,532,120 sq. ft. or 127.00 Acres of land.



Danny E. Osteen
Danny E. Osteen
Registered Public Surveyor No. 4169

ACREY, ROBERT
83-71-216
August 22, 1983

00232



Point of Beginning

S 45°02'00"W

1814.25'

S44°50'00"W

1005.8'

1887.66'

S44°47'08"E

TRACT 1
127.00 Ac.

S 44°46'00"W
360.70'

MESQUITE

$\Delta = 17^{\circ}01'12''$
R = 613.69'
L = 182.30'
C.B. = N74°33'20"E
181.63'

371.00'
N 83°05'55"E

VALLEY 389.90'
N 44°30'00"E

$\Delta = 38^{\circ}33'54''$
R = 676.78'
L = 455.53'
C.B. = N63°46'58"E
446.98'

ROAD 667.26'
N 44°30'00"E

$\Delta = 16^{\circ}17'54''$
R = 995.37'
L = 283.14'
C.B. = N 52°38'56"E
282.19'

TRACT 2

2574.22'
N 22°40'35"W

TRACTS 3-7

INDIAN TRAIL EQUESTRIAN ESTATES

Not To Scale

PREPARED BY:
ACREY, ROBERTS, & PIERSON, INC.
83-7P-216
AUGUST 22, 1983

Rev. 9-19-83

TRACT 2
ZONING FIELD NOTES
24.6553 AC.

EXHIBIT "A"

00233

BEING a tract of land situated in the A.P. Lanier Survey, Abst. No. 1662, and the A.P. Summers Survey, Abst. No. 1676, Dallas County, Texas and being part of the property described in deed to Bruton Pinson Hailey and wife, Adeline James Hailey, recorded in Vol. 4175, Pg. 410, Deed Records of Dallas, County, Texas and being more particularly described as follows:

BEGINNING at an iron rod for corner at the point of intersection of the present North line of Mesquite Valley Road, a 100 foot right-of-way, and the Southeast line of said Hailey tract, point being North 45° East 30.00 feet from the Southwest corner of the said A.P. Summers Survey, Abst. No. 1676, and the most Southerly corner of the said Hailey tract;

THENCE North 61°37'46" West 42.50 feet along the said present North line of Mesquite Valley Road to an iron rod for corner in the Southwest line of said Hailey tract and A.P. Summers Survey;

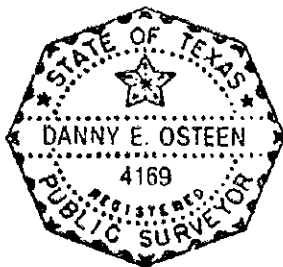
THENCE North 45°25'04" West 427.82 feet along an existing fence line and the Southwest line of said Hailey tract to an iron rod for corner;

THENCE North 22°40'35" West a distance of 779.41 feet to a point for a corner;

THENCE North 85°37'29" East a distance of 1813.76 feet to a point for a corner in the East line of said Hailey tract;

THENCE South 1°50'09" East along the East line of said Hailey tract a distance of 20.00 feet to a point for a corner;

THENCE South 45°12'33" West a distance of 1643.73 feet to the POINT OF BEGINNING and containing 24.6553 Acres of land.

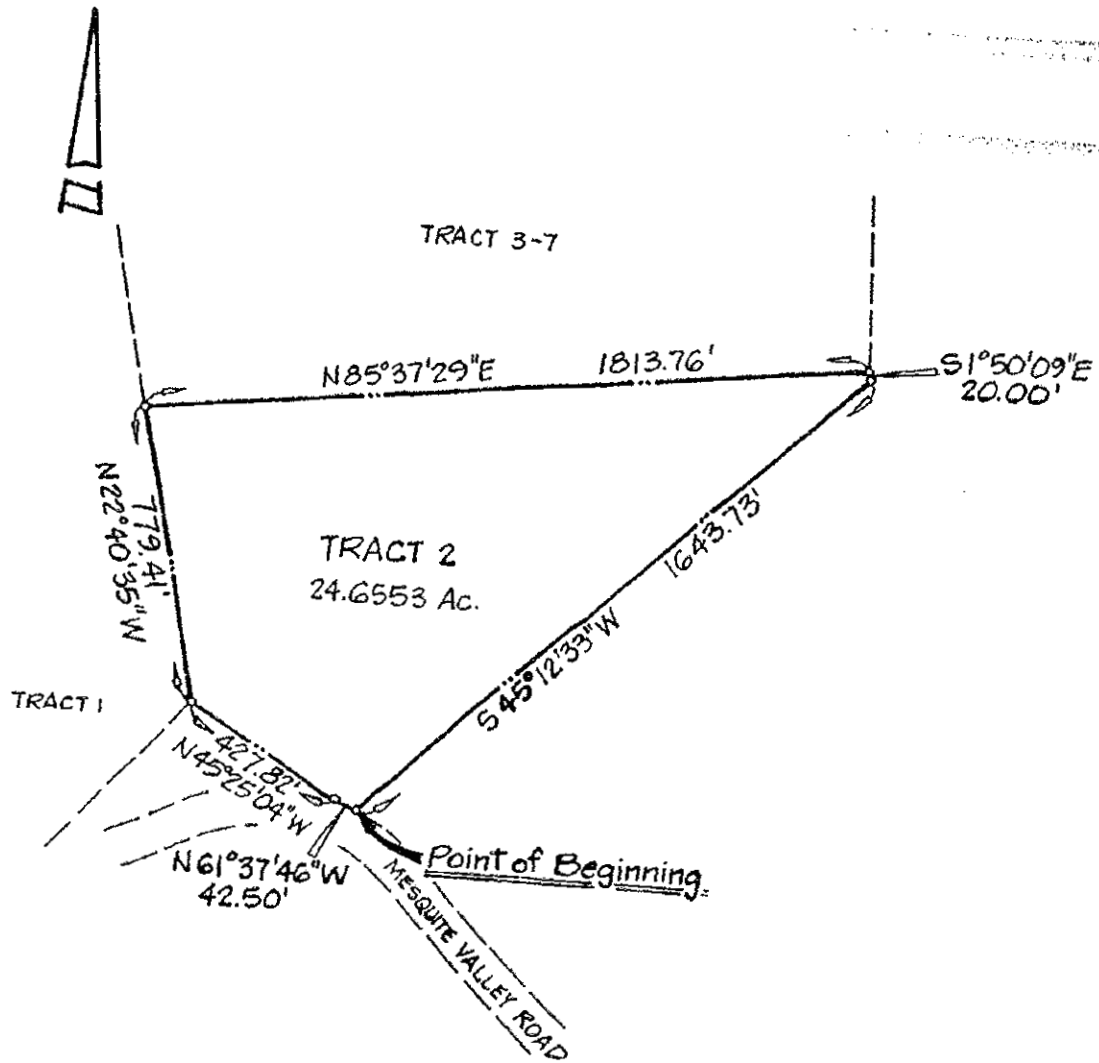


Danny E. Osteen

Danny E. Osteen
Registered Public Surveyor No. 4169

Acrey, Roberts & Pierson, Inc.
83-7P-216
August 22, 1983
Rev. 9-19-83

00234



INDIAN TRAIL EQUESTRIAN ESTATES
Not To Scale

Rev. 9-19-83

PREPARED BY:
ACREY, ROBERTS, & PIERSON, INC
83-7P-216
AUGUST 22, 1983

TRACT 3
ZONING FIELD NOTES
124.1594 AC.

EXHIBIT "A"

00235

BEING a tract of land situated in the A.P. Lanier Survey, Abst. No. 1662, the A.P. Summers Survey, Abst. No. 1677, the T.P. Summers Survey, Abst. No. 1667, the A.P. Summers Survey, Abst. No. 1676, and the Calvin Taylor Survey, Abst. No. 1750 Dallas County, Texas, and being part of the property described in deed to Bruton Pinson Hailey and wife, Adeline James Hailey, recorded in Vol. 4175, Pg. 410, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the South right-of-way line of Newsom Road with the East line of said Hailey tract;

THENCE South $1^{\circ}50'09''$ East along the East line of said Hailey tract a distance of 2319.32 feet to a point for a corner;

THENCE South $85^{\circ}37'29''$ West a distance of 1813.76 feet to a point for a corner;

THENCE North $22^{\circ}40'35''$ West a distance of 1794.81 feet to a point for a corner;

THENCE North $44^{\circ}50'58''$ East 468.02 feet along an existing fence to an iron rod for a corner;

THENCE North $02^{\circ}35'44''$ West 732.78 feet along an existing fence line to an iron rod for corner at an existing fence corner post in the present South line of Newsom Road, an undefined right-of-way;

THENCE North $89^{\circ}40'16''$ East 737.05 feet along an existing fence line and the South line of Newsom Road to the beginning of a curve to the right;

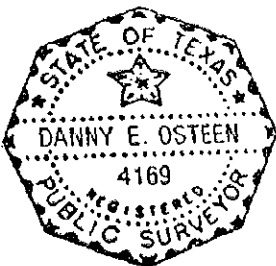
THENCE Southeasterly along a circular curve to the right having a central angle of $25^{\circ}35'54''$ and a radius of 203.40 feet, an arc distance of 90.87 feet to an iron rod for corner in the Southwest line of the Roberts McCormick Survey, Abstract No. 1671;

THENCE South $43^{\circ}25'42''$ East 509.75 feet along the Southwest line of the Roberts McCormick Survey, Abstract No. 1671, to an iron rod for corner on the projected center line of Newsom Road, the Southwest corner of said McCormick Survey;

THENCE South $89^{\circ}32'25''$ East 252.72 feet along the South line of the said McCormick Survey, and the projected center line of Newsom Road to an iron rod for corner in the present South line of Newsom Road;

THENCE Southeasterly along the South line of Newsom Road and along a circular curve to the left having a central angle of $25^{\circ}17'11''$ and a radius of 150.95 feet, an arc distance of 66.62 feet to the end of said curve;

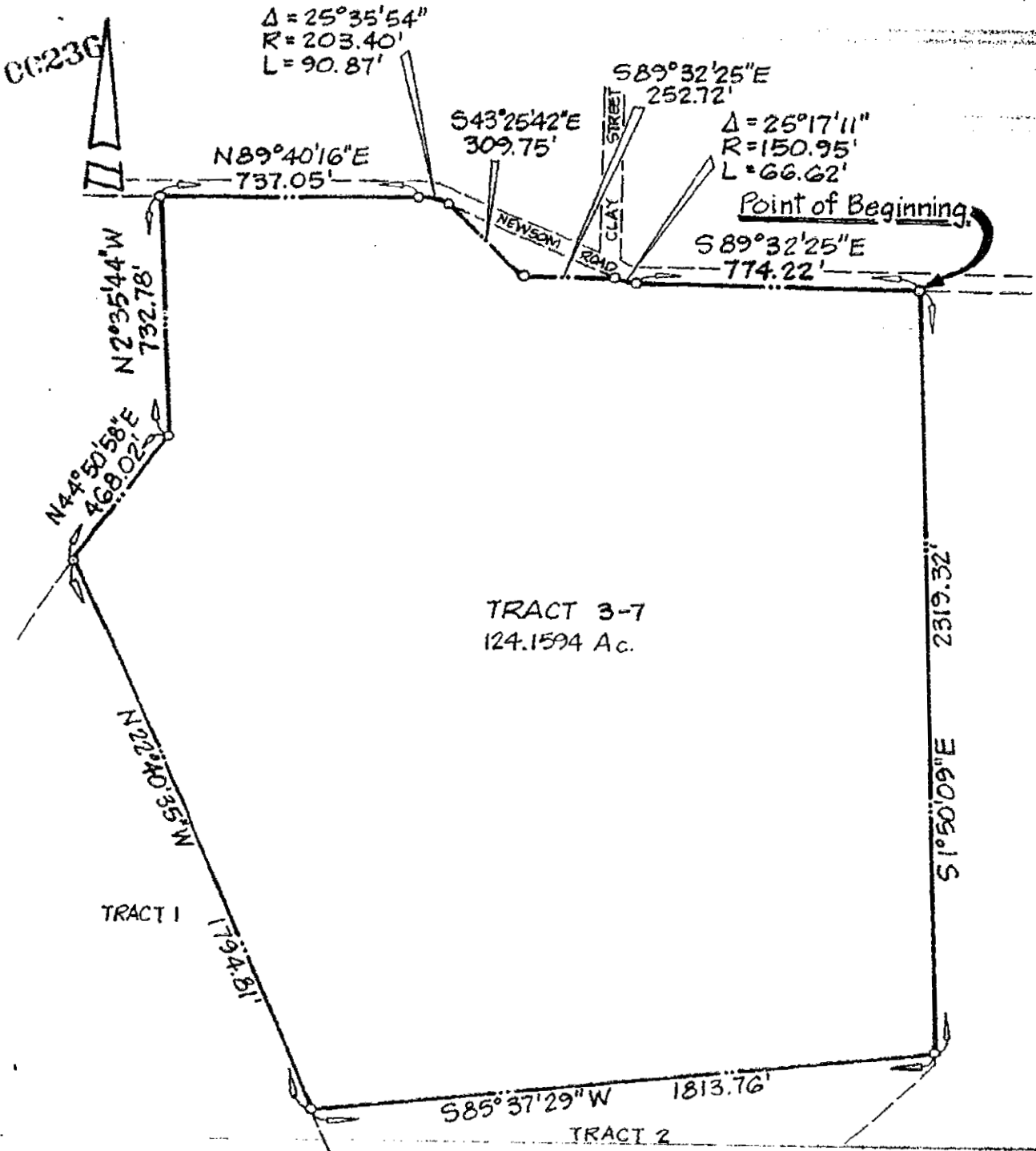
THENCE South $89^{\circ}32'25''$ East 774.22 feet along the said present South line of Newsom Road and along an existing fence line to an iron rod at the POINT OF BEGINNING and containing 124.1594 acres of land.



Danny E. Osteen

Danny E. Osteen
Registered Public Surveyor No. 4169

Acrey, Roberts & Pierson, Inc.
83-7P-216
August 22, 1983
Rev. 9-19-83



TRACT 3-7
124.1594 Ac.

TRACT 1

TRACT 2

INDIAN TRAIL EQUESTRIAN ESTATES

Not To Scale

Rev. 9-19-83

PREPARED BY:
 ACREY, ROBERTS, & PIERSON, INC.
 83-7P-216
 AUGUST 22, 1983