

ORDINANCE NO. 1985
File No. 974-6

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 MULTI-FAMILY AT 25 UNITS PER ACRE TO COMMERCIAL ON PROPERTY LOCATED EAST OF I-635 BETWEEN MILITARY PARKWAY AND SCYENE ROAD; 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 SERVERABILITY 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 Multifamily at 25 units per acre to Commercial on property located east of I-635 between Military Parkway and Scyene Road; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 20th of February, A.D., 1984.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

REGISTERED
CIVIL ENGINEER

DON A. TIPTON, INC.

CONSULTING ENGINEERS

13600 LBJ FREEWAY
EASTGATE OFFICES, SUITE 301
GARLAND, TEXAS 75041

09225 SURVEYING

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PHONE
(214) 270-4485

DON A. TIPTON, P.E.
PRESIDENT

ZONING FIELD NOTES

PD FOR MULTI-FAMILY (25 UNITS PER ACRE)

BEING a tract of land situated in the S.H. Miller Survey, Abstract No. 974, and the Swing and Laws Survey, Abstract No. 1396, City of Mesquite, Dallas County, Texas and being located East of the intersection of LBJ Freeway and Military Parkway and being more particularly described as follows:

BEGINNING at the intersection of the North line of said Military Parkway and the West line of a tract of land conveyed to T.V. Hart, filed, May 1, 1964 of the Deed Records of Dallas County, Texas, a point for corner;

THENCE N 86° 55' 33" W, along said Military Parkway a distance of 1497.21 feet to a point for corner;

THENCE N 45° 26' 40" E, leaving said Military Parkway a distance of 849.24 feet to a point of the South line of Scyene Road, a point for corner;

THENCE Easterly along said South line of Scyene Road the following:

Easterly around a curve to the Right having a central angle of 7° 16' 43" and a radius of 2550.91 feet, a distance of 324.06 feet to a point for corner;

S 88° 36' 02" E, a distance of 196.40 feet to a point for corner;

Easterly around a curve to the Right having a central angle of 3° 02' 35" and a radius of 2570.91 feet, a distance of 136.54 feet to a point for corner;

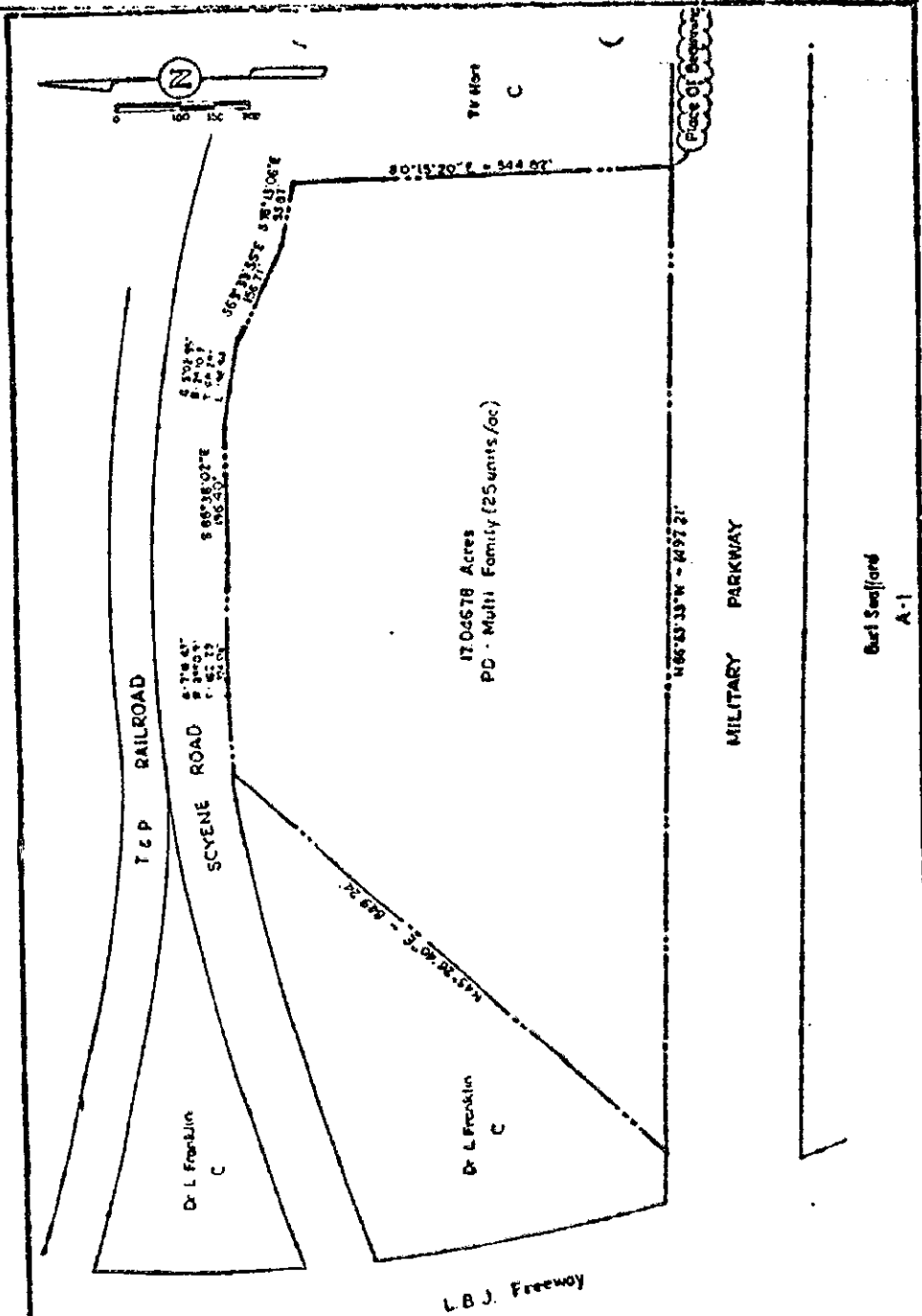
S 63° 33' 55" E, a distance of 156.71 feet to a point for corner;

S 76° 13' 06" E, a distance of 95.87 feet to a point for corner;

THENCE S 0° 15' 20" E, leaving said South line of Scyene Road a distance of 544.82 feet to the PLACE OF BEGINNING and containing 17.04678 acres of land.

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DON A. TIPTON, INC. CONSULTING ENGINEERS 13600 L.B.J. Frwy. Garland, Texas 75041					ZONING SKETCH	
					PD - MULTI FAMILY (25 units/Ac.)	
					MESQUITE	
					DALLAS, COUNTY	
					TEXAS	
Drawn	Checked	Date	Scale	No.		
qd		2/9/83	Ased	*1539		

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