

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 AGRICULTURE TO R-3 ON PROPERTY LOCATED EAST OF RUTHERFORD ELEMENTARY SCHOOL NORTH OF THE INTERSECTION OF CORDIA DRIVE AND MESQUITE VALLEY 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 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 Agriculture to R-3 on property located east of Rutherford Elementary School north of the intersection of Cordia Drive and Mesquite Valley 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

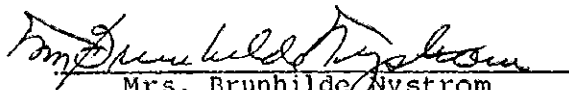
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite including Ordinance No. 1249 of the Mesquite City Code.

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 12th day of March, A.D., 1984.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

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FIELD NOTE DESCRIPTION
TRACT 1

BEING a tract of land situated in the W. J. Lewis Survey, Abstract Number 812, and the C. Taylor Survey, Abstract Number 1750, in the City of Mesquite, Dallas County, Texas, and being a tract of land conveyed to F. A. McWhorter and Patricia and Frank Greenhaw on 2-16-53 as recorded in the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a railroad spike set for the most Southerly corner of Tract 1, said point being at the intersection of the Northwesterly line of Eulane Drive (a 25 foot right-of-way) and the Easterly line of a Dallas Power and Light easement (a 100 foot right-of-way) and also in the Northwesterly line of a 50 foot Permanent Working Easement as recorded in Volume 5606, Pages 392 of the Deed Records of Dallas County, Texas, said point being located North 43 degrees 58 minutes 56 seconds West a distance of 25.00 feet and South 46 degrees 36 minutes 20 seconds West a distance of 99.58 feet from the point of intersection of said Eulane Drive and the Northeasterly line of Cordia Drive (a 50 foot right-of-way);

THENCE departing the Northwesterly line of said Eulane Drive and said Permanent Working Easement and along the East line of said Dallas Power and Light Easement North 01 degrees 17 minutes 51 seconds East a distance of 1867.14 feet to a 1/2 inch pipe found for corner;

THENCE departing the said Dallas Power and Light Easement South 88 degrees 42 minutes 19 seconds East a distance of 1881.94 feet to a 1/2 inch iron rod found for corner, said point being in the Northwesterly line of said Permanent Working Easement;

THENCE along said Permanent Working Easement South 45 degrees 09 minutes 16 seconds West a distance of 152.28 feet to a 1/2 inch iron rod found for corner;

THENCE South 46 degrees 36 minutes 20 seconds West a distance of 2,498.86 feet to the POINT OF BEGINNING and containing 40.444 acres of land more or less.

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FIELD NOTE DESCRIPTION
TRACT 2

BEING a tract of land situated in the Anderson League Survey, Abstract Number 1, of the City of Mesquite, Dallas County, Texas, and being all of Tracts 11, 12, 13, 14 and 15 of the Alma Heights Addition, an Addition to the City of Mesquite, Texas, as recorded in Volume 10, Page 111 of the Map Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set at the intersection of the Southeasterly line of Eulane Drive (a 25 foot right-of-way) and the Northeasterly line of Cordia Drive (a 50 foot right-of-way) and being the most Westerly corner of Tract 11 of said Addition;

THENCE departing the Northeasterly line of said Cordia Drive and along the Southeasterly line of said Eulane Drive North 46 degrees 36 minutes 20 seconds East a distance of 584.20 feet to a 1/2 inch iron rod set for the most Northerly corner of said Tract 11 and being in the Northeasterly line of said Alma Heights Addition;

THENCE departing the Southeasterly line of said Eulane Drive and along the Northeasterly line of said Addition South 43 degrees 48 minutes 45 seconds East a distance of 1879.98 feet to a 1/2 inch iron rod set for corner, said corner being the centerline of Old Mesquite Valley Road;

THENCE departing the Northeasterly line of said Addition South 45 degrees 41 minutes 37 seconds West a distance of 340.22 feet to a 1/2 inch iron rod found in the curving Northerly right-of-way line of Mesquite Valley Road, (an 80 foot right-of-way), the radius point of said curve being situated South 18 degrees 12 minutes 13 seconds East a distance of 612.96 feet;

THENCE Southwesterly, along the Westerly right-of-way line of said Mesquite Valley Road and along said curve through a central angle of 23 degrees 08 minutes 33 seconds an arc distance of 247.58 feet to a 1/2 inch iron rod set for the point of tangency and being the most Southerly corner of Tract 15 of said Addition and also being in the Northeasterly line of said Cordia Drive;

THENCE departing the Westerly line of said Mesquite Valley Road and along the Northeasterly line of said Cordia Drive North 43 degrees 58 minutes 56 seconds West a distance of 1827.53 feet to the POINT OF BEGINNING and containing 24.937 acres of land more or less.

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FIELD NOTE DESCRIPTION
TRACT 3

BEING a tract of land situated in the Anderson League Survey, Abstract Number 1, and being all of Tracts 7 and 8 of the Alma Heights Addition, an Addition to the City of Mesquite, Texas, as recorded in Volume 10, Page 111 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the point of intersection of the Southeasterly line of Eulane Drive (a 25 foot right-of-way) and the Northeasterly line of Cordia Drive (a 50 foot right-of-way);

THENCE South 46 degrees 36 minutes 20 seconds West a distance of 50.00 feet to a point in the Southwesterly line of said Cordia Drive;

THENCE along the Southwesterly line of said Cordia Drive South 43 degrees 58 minutes 56 seconds East a distance of 365.84 feet to a 1/2 inch iron rod found for the POINT OF BEGINNING, said point also being the most Northerly corner of Tract 7 of said Addition;

THENCE South 43 degrees 58 minutes 56 seconds East a distance of 745.14 feet to a 1/2 inch iron rod set for corner for the most Southeasterly corner of Tract 8 of said Addition;

THENCE departing the Southwesterly line of said Cordia Drive and along the Southeasterly line of Tract 8 South 46 degrees 57 minutes 11 seconds West a distance of 583.37 feet to a 1/2 inch iron rod found for corner;

THENCE North 43 degrees 58 minutes 56 seconds West a distance of 745.43 feet to a 1/2 inch iron rod found for corner;

THENCE North 46 degrees 58 minutes 53 seconds East a distance of 583.38 feet to the POINT OF BEGINNING and containing 9.980 acres of land more or less.

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