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ORDINANCE NO. 1995
File No. 656-3

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 R-3 TO PLANNED DEVELOPMENT FOR PATIO HOMES WITH THE STIPULATION THAT A MINIMUM UNIT SIZE OF 1200 SQUARE FEET WITH AN AVERAGE OF 1300 SQUARE FEET BE PROVIDED. THE PROPOSED DEVELOPMENT IS LOCATED NORTH OF NORTH MESQUITE CREEK WEST OF SH 352; 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 R-3 to Planned Development for Patio Homes with the stipulation that a minimum unit size of 1200 square feet with an average of 1300 square feet be provided. The proposed development is located north of North Mesquite Creek west of SH 352; 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.

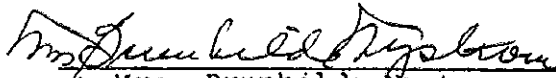
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite including Ordinance No. 1249 of the Mesquite City Code.

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.

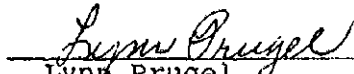
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 NOTES
25.1751 Acre Tract

BEING a tract situated in the Thomas Scott Survey, Abstract No. 1553,
and the Sam Houston survey, Abstract No. 170, City of Mesquite, Dallas
County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the Northwest R.O.W. line of State
Highway 352 (100 ft. R.O.W.) and the Northern R.O.W. line of Kearney
Street (100 ft. R.O.W.);

THENCE North $0^{\circ}00'00''$ East along North side of State Highway 352, a
distance of 38.11 ft.;

THENCE North $0^{\circ}04'30''$ West leaving the North side of State Highway 352
a distance of 75.00 ft. to the POINT OF BEGINNING in the N'LY line
of a Flood Plain and beginning of a circular curve, having a beginning
tangent bearing of North $52^{\circ}52'30''$ West, a central angle of $20^{\circ}39'34''$,
a radius of 187.76 ft., & a tangent length of 180.0 ft.;

THENCE along said curve and N'LY line of Flood Plain an arc distance of
336.09 ft. to point of tangency;

THENCE North $3^{\circ}12'36''$ West a distance of 617.87 ft. to the point of
curvature of a circular curve to the left having a central angle of
 $48^{\circ}46'16''$, a radius of 800.00 ft., a tangent length of 362.65 ft.;

THENCE along said curve an arc distance of 689.97 ft. to point of tangency
on N'LY line of said Flood Plain;

THENCE North $80^{\circ}04'12''$ West along North line of said Flood Plain a distance
of 575.52 ft. to the point of curvature of a circular curve to the
right having a central angle of $0^{\circ}17'26''$, a radius of 150.0 ft., a tangent
length of 1.01 ft.;

THENCE along said curve continuing along N'LY line of Flood Plain, an
arc distance of 2.07 ft. to the point of tangency for a corner;

THENCE North $0^{\circ}17'14''$ West a distance of 241.71 ft. to a point for a corner;

THENCE North $89^{\circ}37'58''$ East a distance of 1673.87 ft. to point for a corner;

THENCE South $0^{\circ}29'53''$ East a distance of 415.78 ft. to a point for a corner;

THENCE North $89^{\circ}38'51''$ East a distance of 11.10 ft. to a point for a corner;

THENCE South $0^{\circ}01'39''$ East a distance of 1967.23 ft. to the POINT OF
BEGINNING, containing 25.1751 Acres (1,096,638 sq. ft.) of land.

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