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ORDINANCE NO. 2027  
File No. 812-6

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 AGRICULTURE TO R-3 SINGLE FAMILY ON A TRACT LOCATED GENERALLY SOUTH-EAST OF THE CHAPMAN DRIVE AND CHERRYWOOD TRAIL 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 Agriculture to R-3 Single Family on a tract located generally southeast of the Chapman Drive and Cherrywood Trail 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 (\$200.00) Dollars 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 7th day of May, A.D., 1984.

  
 \_\_\_\_\_  
 Mrs. Brunhilde Nystrom  
 Mayor

ATTEST:

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Lynn Prugel  
 City Secretary

\_\_\_\_\_  
 Elland Archer  
 City Attorney

CHANGE OF ZONING from Agriculture to R-3 on property located generally southeast of the Chapman Drive and Cherrywood Trail intersection for Messrs. Charles Schuerenberg and B.J. Anderson

FIELD NOTES  
55.5799 ACRES

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BEING a tract of land situated in the Patrick McClary Survey, Abst. No. 966, the W.J. Lewis Survey, Abst. No. 812 and the C. Taylor Survey, Abst. No. 1750, City of Mesquite, Dallas County, Texas and being part of a tract of land as conveyed to Susman Properties, Inc. by deed recorded in Volume 72203, Page 2243, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for a corner at the easterly northeast corner of the hereinabove mentioned tract;

THENCE: South  $2^{\circ}35'44''$  East with a fence a distance of 47.55 feet to an iron rod found for a corner;

THENCE: South  $44^{\circ}50'58''$  West with a fence passing at 468.43 feet to an iron rod found at the north corner of Indian Trails, an addition to the City of Mesquite, recorded in Volume 84038, Page 2146 Deed Records of Dallas County, Texas and continuing along the northwest line of said addition a total distance of 1320.58 feet to an iron rod set at the most easterly southeast corner of the hereinabove mentioned tract;

THENCE: North  $89^{\circ}44'40''$  West with a fence and along the south line of the hereinabove mentioned tract a distance of 1883.02 feet to an iron rod found for a corner at the northeast corner of Rutherford Park Estates No. 4, an addition to the City of Mesquite, recorded in Volume 70119, Page 26, Deed Records of Dallas County, Texas;

THENCE: North  $89^{\circ}28'40''$  West along the south line of the hereinabove mentioned tract and the north line of Rutherford Park Estates No. 4 a distance of 50.00 feet to an iron rod set for a corner at the southeast corner of Lot 25, Blk. A of El Tierra Estates No. 1, an addition to the City of Mesquite, recorded in Volume 71194, Page 67, Deed Records of Dallas County, Texas;

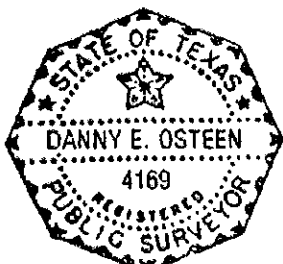
THENCE: North  $0^{\circ}11'18''$  East along the east line of El Tierra Estates No. 1 a distance of 1006.40 feet to an iron rod set for a corner;

THENCE: South  $89^{\circ}22'39''$  East a distance of 50.00 feet to an iron rod found for a corner at the most easterly southeast corner of Lot 36, Blk. E of El Tierra Estates No. 1;

THENCE: South  $89^{\circ}29'47''$  East with a fence and along the north line of the hereinabove mentioned tract a distance of 1329.40 feet to an iron rod found for a corner;

THENCE: South  $89^{\circ}15'12''$  East with a fence and along the north line of the hereinabove mentioned tract a distance of 1479.65 feet to the POINT OF BEGINNING and containing 2,421,062 Sq. Ft. or 55.5799 Acres of land.

To any person, firm, or corporation relying upon the accuracy of this survey or plat, I, Danny E. Osteen, a Registered Public Surveyor, State of Texas, do hereby certify that the plat shown hereon accurately represents measurements performed upon the ground under my supervision and indicates all set back lines, easements, and fences as they are visible on the ground, and that all improvements, if any, are wholly within the boundary lines of the property, and that there are no encroachments, conflicts, protrusions, or overlapping of improvements except as shown hereon. This is a true, correct and accurate survey.



Danny E. Osteen  
Danny E. Osteen  
Registered Public Surveyor No. 4169  
April 24, 1934  
Date

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