

ORDINANCE NO. 2069
File No. 1-1

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, R-1 AND R-2 ZONING TO THE FOLLOWING ZONING BY TRACTS: (19) GENERAL RETAIL (13.36 ACRES); (26) PLANNED DEVELOPMENT-TOWNHOUSE OR DUPLEX WITH A MAXIMUM NUMBER OF DEVELOPABLE UNITS OF 113 (28.19 ACRES); (27) R-3 SINGLE FAMILY (68.47 ACRES); (28) GENERAL RETAIL (12.28 ACRES); (30) OFFICE (8.01 ACRES); THE LAND IS LOCATED GENERALLY BETWEEN NEWSOM ROAD, BERRY ROAD, CARTRIGHT ROAD AND 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, R-1 and R-2 zoning to the following zoning by tracts: (19) General Retail (13.36 acres);

00138 (26) Planned Development-Townhouse or Duplex with a maximum number of developable units of 113 (28.19 acres); (27) R-3 Single Family (68.47 acres); (28) General Retail (12.28 acres); (30) Office (8.01 acres); the land is located generally between Newsom Road, Berry Road, Cartright Road and North Mesquite Creek; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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 10th day of September, A.D., 1984.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
City Attorney

BEING a tract of land situated in the M. Kim Survey, Abstract No. 757, the J.P. Anderson Survey, Abstract No. 1, and the I. Edwards Survey, Abstract No. 445, City of Mesquite, Dallas County, Texas, being part of tracts of land conveyed to Baker & Associates #1, a Joint Venture, as recorded in Volume 84107, Page 0369, and to Willard R. Baker as recorded in Volume 83196, Page 5343, and in Volume 83218, Page 0434, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the west right-of-way line of Berry Road (100' R.O.W.) and the northwest right-of-way line of Mesquite Valley Road (80' R.O.W.);

THENCE South $44^{\circ} 06' 17''$ East a distance of 40.00 feet to a point for corner;

THENCE South $45^{\circ} 53' 43''$ West a distance of 3213.45 feet to the POINT OF BEGINNING;

THENCE South $45^{\circ} 53' 43''$ West a distance of 59.10 feet to the beginning of a circular curve to the left having a central angle of $36^{\circ} 55' 53''$ and a radius of 950.00 feet;

THENCE along said circular curve to the left an arc distance of 612.18 feet and a chord bearing and distance of South $27^{\circ} 26' 05''$ West 601.64 feet to the point of tangency;

THENCE South $08^{\circ} 58' 26''$ West a distance of 211.49 feet to a point for corner;

THENCE North $81^{\circ} 01' 34''$ West a distance of 50.00 feet to a point for corner in the centerline of North Mesquite Creek;

THENCE along said centerline the following bearings and distance to points for corners:

North $02^{\circ} 03' 35''$ West, 234.35 feet;

North $79^{\circ} 30' 46''$ West, 442.04 feet;

North $10^{\circ} 43' 46''$ East, 214.01 feet;

North $61^{\circ} 09' 19''$ West, 211.90 feet;

THENCE North $34^{\circ} 05' 31''$ East a distance of 343.92 feet to a point for corner;

THENCE North $45^{\circ} 08' 43''$ East a distance of 470.00 feet to a point for corner;

THENCE South $44^{\circ} 51' 17''$ East a distance of 659.13 feet to the POINT OF BEGINNING and CONTAINING 13.3588 acres or 581,910 square feet of land.

TRACT 26

BEING a tract of land situated in the J.P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas, being part of a tract of land conveyed by deed to Willard R. Baker as recorded in Volume 83218, Page 0434, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the west corner of a tract of land conveyed by deed to James M. Ponder, et ux, as recorded in Volume 5633, Page 0603, Deed Records of Dallas County, Texas, said corner being in the northeast right-of-way line of Cartwright Road (60' R.O.W.);

THENCE North $44^{\circ} 34' 02''$ West along said northwest right-of-way line a distance of 50.00 feet to a point for corner;

THENCE North $45^{\circ} 58' 27''$ East a distance of 1080.00 feet to the POINT OF BEGINNING;

THENCE North $44^{\circ} 01' 33''$ West a distance of 740.23 feet to a point for corner;

THENCE North $18^{\circ} 00' 54''$ East a distance of 1293.83 feet to a point in the centerline of North Mesquite Creek;

THENCE along said centerline the following bearings and distances to points for corners:

North $23^{\circ} 21' 35''$ East, 143.18 feet;
South $61^{\circ} 09' 19''$ East, 211.90 feet;
South $10^{\circ} 43' 46''$ West, 214.01 feet;
South $79^{\circ} 30' 46''$ East, 442.04 feet;
South $02^{\circ} 03' 35''$ East, 234.35 feet;

THENCE South $81^{\circ} 01' 34''$ East a distance of 50.00 feet to a point for corner;

THENCE South $08^{\circ} 58' 26''$ West a distance of 549.38 feet to the beginning of a circular curve to the right having a central angle of $37^{\circ} 00' 00''$ and a radius of 850.00 feet;

THENCE along said circular curve to the right an arc distance of 548.91 feet and a chord bearing and distance of South $27^{\circ} 28' 26''$ West 539.42 feet to the point of tangency;

THENCE South $45^{\circ} 58' 26''$ West a distance of 342.32 feet to the POINT OF BEGINNING and CONTAINING 28.1930 acres or 1,288,088 square feet of land.

BEING a tract of land situated in the J.P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas, being part of tracts of land conveyed to Willard R. Baker as recorded in Volume 83218, Page 0434, and to Richard Porter Webb, et ux, as recorded in Volume 861, Page 1091, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the south corner of a tract of land conveyed to Josephine W. Moore and Joseph I. Worsham dated 24 April, 1972, said corner being in the northeast right-of-way line of Cartwright Road (60' R.O.W.);

THENCE North 45° 42' 58" East along the southeast line of said Moore tract and continuing along the southeast line of a tract of land conveyed by deed to Calvin D. Copeland as recorded in Volume 2371, Page 0333, Deed Records of Dallas County, Texas, a distance of 1831.22 feet to the southeast corner of said Copeland tract, said corner being in the center of North Mesquite Creek;

THENCE along the centerline of North Mesquite Creek the following bearings and distances to point for corners;

South 19° 54' 17" East, 334.25 feet;
 South 24° 56' 10" West, 152.32 feet;
 South 76° 11' 44" East, 496.49 feet;
 North 70° 36' 51" East, 470.77 feet;

THENCE South 18° 00' 54" West a distance of 1293.83 feet to a point for corner;

THENCE South 44° 01' 33" East a distance of 740.23 feet to a point for corner;

THENCE South 45° 58' 26" West a distance of 400.32 feet to a point for corner;

THENCE North 44° 01' 34" West a distance of 736.45 feet to a point for corner;

THENCE South 45° 25' 58" West a distance of 686.60 feet to a point in the aforementioned northeast right-of-way line of Cartwright Road;

THENCE North 44° 34' 02" West along said northeast right-of-way line a distance of 1285.48 feet to the south corner of the aforementioned Webb tract;

THENCE North 45° 42' 58" East along the southeast line of said Webb tract a distance of 250.00 feet to a point for corner;

THENCE North 44° 34' 02" West a distance of 190.00 feet to a point for corner;

THENCE South 45° 42' 58" West a distance of 250.00 feet to a point in the aforementioned northeast right-of-way line of Cartwright Road;

THENCE North 44° 34' 02" West along said northeast right-of-way line a distance of 109.50 feet to the POINT OF BEGINNING and CONTAINING 68.4699 acres or 2,982,547 square feet of land.

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TRACT 28

BEING a tract of land situated in the J.P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas, being part of a tract of land conveyed by deed to Willard R. Baker as recorded in volume 83218, Page 0434, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the west corner of a tract of land conveyed by deed to James M. Ponder, et ux, as recorded in Volume 5633, Page 0603, Deed Records of Dallas County, Texas, said corner being in the northeast right-of-way line of Cartwright Road (60' R.O.W.);

THENCE North 44° 34' 02" West along said northeast right-of-way line a distance of 780.00 feet to a point for corner;

THENCE North 45° 25' 58" East a distance of 686.60 feet to a point for corner;

THENCE South 44° 01' 34" East a distance of 786.45 feet to a point for corner;

THENCE South 45° 58' 27" West a distance of 679.20 feet to the POINT OF BEGINNING and CONTAINING 12.2786 acres or 534,855 square feet of land.

BEING a tract of land situated in the J.P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas, being part of a tract of land conveyed by deed to Willard R. Baker as recorded in Volume 83196, Page 5343, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the south corner of a tract of land conveyed by deed to James M. Ponder, et ux, as recorded in Volume 5633, Page 0603, Deed Records of Dallas County, Texas, said corner being in the northeast right-of-way line of Cartwright Road (60' R.O.W.);

THENCE North 45° 56' 18" East along the southeast line of said Ponder tract a distance of 679.17 feet to the west corner of said Ponder tract;

THENCE South 44° 01' 34" East a distance of 512.02 feet to a point for corner;

THENCE South 45° 05' 28" West a distance of 671.20 feet to a point in the aforementioned northeast right-of-way line of Cartwright Road;

THENCE North 44° 54' 32" West along said northeast right-of-way line a distance of 522.00 feet to the POINT OF BEGINNING and CONTAINING 8.0132 acres or 349,057 square feet of land.