

ORDINANCE NO. 2105
File No. 445-1

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 AGRICULTURE TO R-3 ON TRACT 1 AND PLANNED DEVELOPMENT SINGLE FAMILY FOR PATIO HOMES WITH A MINIMUM LOT SIZE OF 6000 SQUARE FEET AND MINIMUM UNIT SIZE OF 1200 SQUARE FEET WITH AN AVERAGE UNIT SIZE OF 1300 SQUARE FEET ON TRACT 2; THE TWO TRACTS ARE LOCATED WEST OF THE BERRY ROAD AND EDWARDS ROAD 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 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

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to grant a change of zoning from Agriculture to R-3 on Tract 1 and Planned Development Single Family for patio homes with a minimum lot size of 6000 square feet and minimum unit size of 1200 square feet with an average unit size of 1300 square feet on tract 2; the two tracts are located west of the Berry Road and Edwards Road intersection; 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 19th day of November, A.D., 1984.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

60061

ZONING FIELD NOTES
TRACT ONE
13.15 ACRES

BEING a tract of land situated in the I. Edwards Survey, Abst. No. 445, City of Mesquite, Dallas County, Texas and being part of Lot No. 9 and a part of tract No. 5 partitioned and allotted to Sallie Berry in R.E. Berry Partition in Vol. 14, Pg. 1 of the minutes of the 68th District Court of Dallas County, Texas, Feb. 26, 1917 and being more particularly described as follows:

BEGINNING at an iron rod found for a corner at the intersection of the southwest line of the hereinabove mentioned tract with the northwest right-of-way line of Edwards Road;
THENCE North $44^{\circ}41'39''$ West along the southwest line of said tract a distance of 1318.94 feet to an iron pipe found for a corner at the west corner of said Lot 9;
THENCE North $46^{\circ}01'43''$ East along the northwest line of said tract a distance of 435.97 feet to an iron rod set for a corner on the northwest line of said Lot 9;
THENCE South $44^{\circ}39'08''$ East a distance of 1309.48 feet to an iron rod set for a corner on the northwest right-of-way line of Edwards Road;
THENCE South $45^{\circ}09'48''$ West along the northwest right-of-way line of Edwards Road a distance of 434.97 feet to the POINT OF BEGINNING and containing 573,162 sq. ft. or 13.15 acres of land.

TRACT TWO
26.85 ACRES

BEING a tract of land situated in the I. Edwards Survey, Abst. No. 445, City of Mesquite, Dallas County, Texas and being part of Lot No. 8 and a part of tract No. 5 partitioned and allotted to Mark Raymond Berry in R.E. Berry Partition, and also being part of Lot No. 9 and a part of tract No. 5 partitioned and allotted to Sallie Berry in R.E. Berry Partition in Vol. 14, Pg. 1 of the minutes of the 68th District Court of Dallas County, Texas, Feb. 26, 1917 and also being more particularly described as follows:

BEGINNING at an iron rod set at the intersection of the southwest R. O. W. line of Berry Road (a variable width R.O.W.) with the northwest R. O. W. line of Edwards Road (a 60 feet R.O.W.);
THENCE South $45^{\circ}09'48''$ West along the northwest right-of-way line of Edwards Road a distance of 859.65 feet to an iron rod set for a corner on the northwest right-of-way line of Edwards Road;
THENCE North $44^{\circ}39'08''$ West a distance of 1309.48 feet to an iron rod set for a corner on the northwest line of said Lot 9;
THENCE North $46^{\circ}01'43''$ East along the northwest line of said Lot 9 a distance of 190.00 feet to an iron pipe found at the north corner of said Lot 9;
THENCE North $44^{\circ}39'08''$ West along the southwest line of said Lot 8 a distance of 68.60 feet to an iron pipe found at the west corner of said Lot 8;

THENCE North 46°01'43" East along the northwest line of said Lot 8 a distance of 672.00 feet to an iron rod found for a corner on the southwest right-of-way line of Berry Road;

THENCE South 44°33'20" East along the southwest right-of-way line of Berry Road a distance of 1367.94 feet to the POINT OF BEGINNING and containing 1,169,818 sq. ft. or 26.85 acres of land.



Danny E. Osteen
Danny E. Osteen
Registered Public Surveyor No. 4169

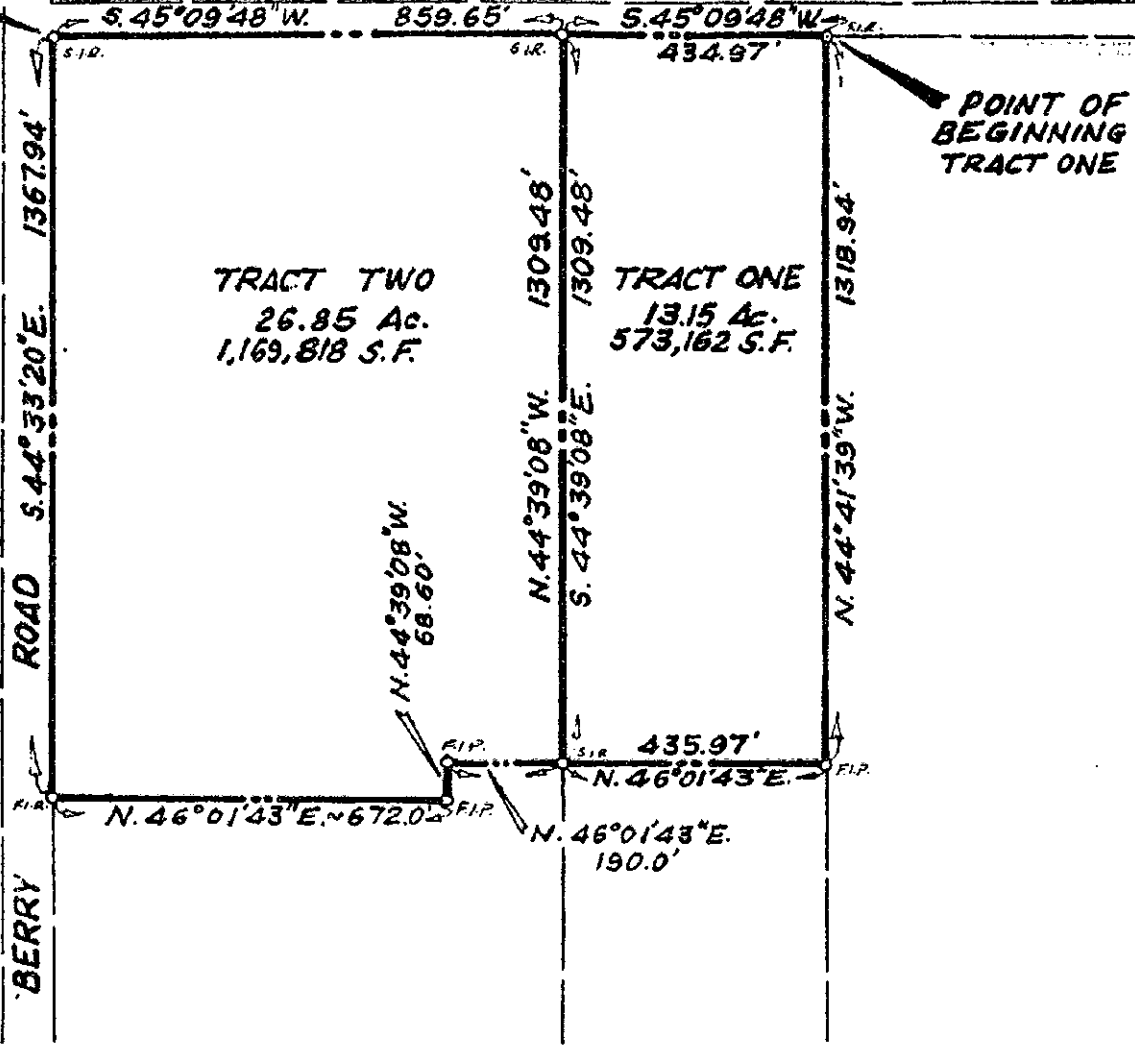
Date Oct. 30, 1984

Acrey, Roberts & Pierson, Inc.
84-8P-261
October 29, 1984

CUDGE

EDWARD CHURCH ROAD

VT OF
NNING
T TWO



GRIMES PROPERTY

SCALE 1" = 300'

PREPARED BY :

ACREY, ROBERTS & PIERSON, INC.

84-8P-261

10/29/84