

ORDINANCE NO. 2121  
File No. 34-26

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 COMMERCIAL AND CONDITIONAL USE IN COMMERCIAL FOR PROCESSING AND FABRICATION TO PLANNED DEVELOPMENT MULTIFAMILY AT 28 UNITS PER ACRE ON A 12.5 ACRE TRACT LOCATED 450 FEET EAST OF BIG TOWN BOULEVARD FRONTING THE NORTH SIDE OF SAMUELL BOULEVARD; 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 Commercial and Conditional Use in Commercial for processing and fabrication to Planned Development Multifamily at 28 units per acre on a 12.5 acre tract located 450 feet east of Big Town Boulevard fronting the north side of Samuell Boulevard; 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.

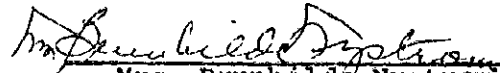
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 17th day of December, A.D., 1984.

  
 Mrs. Brunhilde Nystrom  
 Mayor

ATTEST:

APPROVED AS TO FORM:

  
 Lynn Prugel  
 City Secretary

Elland Archer  
 City Attorney

LEGAL DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE W.O. ABBOTT SURVEY, ABSTRACT NO. 34, LOCATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT A POINT FORMED BY THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF BIG TOWN BOULEVARD AND THE NORTHERLY RIGHT OF WAY LINE OF SAMUELL BOULEVARD;

THENCE, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAMUELL BOULEVARD SOUTH 89° 30' 51" EAST, A DISTANCE OF 450.0 FEET TO A POINT OF BEGINNING;

THENCE, DEPARTING THE NORTHERLY RIGHT OF WAY LINE OF SAMUELL BOULEVARD NORTH 01° 24' 45" EAST, A DISTANCE OF 900.0 FEET TO A POINT FOR A CORNER;

THENCE, SOUTH 73° 05' 24" EAST, A DISTANCE OF 190.48 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 77° 01' 48" AND A RADIUS OF 310.67 FEET; NORTHERLY WITH SAID CURVE TO THE LEFT AN ARC DISTANCE OF 417.0 FEET;

THENCE, SOUTH 69° 10' 12" EAST, A DISTANCE OF 276.94 FEET TO A POINT FOR A CORNER;

THENCE, SOUTH 19° 15' 36" WEST, A DISTANCE OF 423.6 FEET TO A POINT FOR A CORNER;

THENCE, NORTH 89° 30' 51" WEST, A DISTANCE OF 172.65 FEET TO A POINT FOR A CORNER;

THENCE, SOUTH 00° 28' 09" WEST, A DISTANCE OF 495.0 FEET TO A POINT FOR A CORNER; SAID POINT BEING LOCATED IN THE NORTHERLY RIGHT OF WAY LINE OF SAMUELL BOULEVARD;

THENCE, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAMUELL BOULEVARD NORTH 89° 30' 51" WEST, A DISTANCE OF 510.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.51 ACRES OF LAND, MORE OR LESS.

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