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ORDINANCE NO. 2124
File No. 1461-87

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 PLANNED DEVELOPMENT MULTI-FAMILY AT 18 UNITS PER ACRE TO PLANNED DEVELOPMENT - LIGHT COMMERCIAL WITH THE STIPULATION THAT THE ROAD INFRASTRUCTURE, AS PRESENTED, BE CONSTRUCTED BEFORE THE DEVELOPMENT IS 50% COMPLETE ON TRACTS 1 AND 2; THE PROPERTY IS LOCATED NORTH AND WEST OF THE I-30 AND NORTHWEST HIGHWAY 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 to grant a change of zoning from Planned Development Multifamily at 18 units per acre to Planned Development - Light Commercial with the stipulation that the road infrastructure, as presented, be constructed before the development is 50% complete on Tracts 1 and 2; The property is located north and west of the I-30 and Northwest Highway 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 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 7th day of January, A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attor.

FIELD NOTES
Tract 1

TRACT B

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Beginning at an iron rod set for corner at the intersection of the South line of a D.P.&L. R.O.W. with the Northwest line of I.H. 30 said point being in a circular curve to the left;

THENCE along said Northwest line of I.H. 30 and circular curve to the left having a central angle of $1^{\circ}30'40''$, a radius of 11,773.93 ft., a tangent length of 155.27 ft. and an arc length of 310.52 ft. to an iron rod for the point of tangency;

THENCE South $56^{\circ}28'54''$ West, along said Northwest line of I.H. 30, a distance of 378.64 ft. to an iron rod found for corner;

THENCE North $55^{\circ}08'33''$ West, elaving said Northwest line of I.H. 30, a distance of 1,327.50 to an iron rod set for corner;

THENCE North $45^{\circ}10'$ East, a distance of 49.61 ft. to an iron rod set for corner;

THENCE North $44^{\circ}50'$ West, a distance of 431.35 ft. to an iron rod set for corner;

THENCE North $34^{\circ}51'27''$ East, a distance of 252.59 ft. to an iron rod set for corner in the South line of said D.P.&L. R.O.W.;

THENCE South $62^{\circ}41'30''$ East, along the South line of said D.P.&L. R.O.W., a distance of 496.80 ft. to an iron rod found for corner;

THENCE South $62^{\circ}39'$ East, along the South line of said D.P.&L. R.O.W., a distance of 1,515.22 ft. to the Point of Beginning and containing 20.6620 acres (900,038 Sq. Ft.) of land.

CERTIFICATION

To any person, firm or corporation relying upon the accuracy of this survey or plat, I, Danny B. Fugate, Registered Public Surveyor, State of Texas, do certify that this plat 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 and correct survey.

By: _____
Registered Public Surveyor No. 3671
State of Texas

DATE: _____ # 1461-87

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FIELD NOTES LEGAL DESCRIPTION TRACT B
Tract 2

Being a tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, and being a part of a 393.66 Acre tract conveyed to C.C. Oates, as recorded in Volume 666, Page 366, Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at an iron rod set for corner at the intersection of the Northwest line of I.H. 30 and the North line of a Dallas Power and Light R.O.W. recorded in Volume 5458, Page 218, Deed Records of Dallas County, Texas;

THENCE North 62°39' West, along the North line of said D.P.&L. R.O.W., a distance of 736.89 ft. to an iron rod set for corner;

THENCE North 27°22'36" East, leaving the North line of said D.P.&L. R.O.W., a distance of 518.55 ft. to an iron rod set for corner in the South line of Northwest Drive (100' R.O.W.);

THENCE along the said South line of Northwest Drive the following calls:

THENCE South 66°20' East, a distance of 156.18 ft. to an iron rod set for corner and the beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of 35°45'00", a radius of 880.21 ft., a tangent distance of 283.88 ft. and an arc length of 549.21 ft. to an iron rod set for the point of tangency;

THENCE South 30°35' East, a distance of 50.57 ft. to an iron rod set for corner;

THENCE South 59°25' West, leaving said South line of Northwest Drive, a distance of 200.00 ft. to an iron rod set for corner;

THENCE South 30°38'42" East, a distance of 205.42 ft. to an iron rod set for corner in the Northwest line of I.H. 30 and the beginning of a circular curve to the left;

THENCE along said circular curve to the left, and the Northwest line of I.H. 30, having a central angle of 0°30'52", a radius of 11,773.93 ft., a tangent bearing of 558°17'20" West, a tangent length of 52.85 ft. and an arc length of 105.70 ft. to the Point of Beginning and containing 7.9957 Acres (348,293 Sq. Ft.) of land.

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