

ORDINANCE NO. 2132
File No. 167-2A

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 WITH THE
STIPULATION THAT 20 UNITS MUST BE OVER 1500
SQUARE FEET; THE 68.55 ACRE TRACT IS LOCATED
WEST OF PIONEER ROAD BETWEEN WILKINSON ROAD
AND BELT LINE ROAD; 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 DEVELOP-
MENT OF THE LAND BEING DEVELOPED IN CONFOR-
MITY WITH THE REQUIREMENTS OF CURRENT AND/
OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES;
BY PROVIDING A SEVERABILITY CLAUSE; BY PRO-
VIDING FOR A PENALTY NOT TO EXCEED TWO HUN-
DRED 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 Agriculture to R-3 with the stipulation that 20 units must be over 1500 square feet; the 68.55 acre tract is located west of Pioneer Road between Wilkinson Road and Belt Line Road; 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 21st day of January, A.D., 1985.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Eiland Archer
Eiland Archer
City Attorney

SURVEY PLAT

0021

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located on the ground of property located on Pioneer Road in Dallas County, Texas, out of the BENJAMIN BECKER SURVEY, ABSTRACT NO. 167 and being a part of a 49.3 acre tract as conveyed to W. G. Austin by J. G. Austin et ux, Cora Jane Austin, by Deed filed January 18, 1945 and filed in Volume 2527 at page 529 of the Deed Records of Dallas County, Texas, and First Tract and Second Tract as described in Deed to Willis Gary Austin et ux, by Vernie Farley, et vir, et al filed November 22, 1943 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at an iron rod for corner in the Northeast line of Pioneer Road a 50 foot E.O.W., said point being the Southeast corner of a certain 2.0 acre tract conveyed to Trustees of Valley View Baptist Church by J. G. Austin by Deed dated April 3, 1975, recorded in Volume 72072, Page 02130 of the Deed Records of Dallas County, Texas; Thence North 46 deg. 05 min. 11 sec. East with E.O.W. of Pioneer Road, 486.78 feet to iron stake for corner set at the East corner of 6.0 acre tract conveyed to E. V. Dullinmer by Deed as filed August 25, 1978 in the Deed Records of Dallas County, Texas; Thence North 46 deg. 05 min. 11 sec. East with the E.O.W. of Pioneer Road 285.20 feet to stake set for corner at East corner of a 1.849 acre tract; Thence North 46 deg. 02 min. 10 sec. East, 600 feet to point for corner in E.O.W. of Pioneer Road; Thence South 43 deg. 57 min. 50 sec. East 25 feet to centerline of Pioneer Road and Place of Beginning;

THENCE North 43 deg. 57 min. 50 sec. West 590.80 feet to stake for corner;

THENCE South 46 deg. 02 min. 10 sec. West 599.91 feet to stake for corner set on E. W. Dullinmer 6.0 acre tract;

THENCE North 44 deg. 03 min. 17 sec. West with said 6.0 acre tract, 407.64 feet to iron stake located for corner and being the North corner of said 6.0 acre tract;

THENCE North 01 deg. 53 min. 53 sec. West with old fence line Austin tract and Ritter tract, 705.00 feet to iron stake set for corner;

THENCE North 88 deg. 55 min. 26 sec. West with old fence and Austin tract, 193.33 feet to iron stake for corner;

THENCE North 0 deg. 59 min. 36 sec. East with old fence line, 1048.36 feet to iron stake for corner;

THENCE South 88 deg. 53 min. 13 sec. East with old fence line and North line of Austin tract 1377.35 feet to point in center line of South Mesquite Creek;

THENCE Southeasterly with centerline of South Mesquite Creek as follows:

1. South 14 deg. 24 min. 21 sec. East 193.32 feet;
2. South 01 deg. 46 min. 45 sec. East 209.53 feet;
3. South 15 deg. 21 min. 41 sec. East 116.36 feet;
4. South 40 deg. 58 min. 20 sec. East 147.84 feet;
5. South 83 deg. 14 min. 01 sec. East 188.68 feet;
6. South 14 deg. 37 min. 57 sec. East 217.35 feet;
7. South 07 deg. 41 min. 02 sec. East 233.67 feet;
8. South 50 deg. 10 min. 46 sec. East 274.93 feet to point in centerline of bridge on Pioneer Road at South Mesquite Creek for corner;

THENCE South 46 deg. 02 min. 10 sec. West with centerline of Pioneer Road 1014.00 feet to Place of Beginning and containing 68.35 acres of land, more or less.

6 88° 53' 13" E 1377.35'
J E ROYE

167-2A

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