

ORDINANCE NO. 2187
File No. 1750-4

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 R-2A to R-3 WITH THE FOLLOWING MINIMUM SIZES: 40% - 1300 SQUARE FEET; 60% - 1500 SQUARE FEET; THE TRACT IS LOCATED SOUTH OF NEWSOM ROAD WEST OF 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 (\$200.00) DOLLARS 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 R-2A to R-3 with the following minimum sizes: 40% - 1300 square feet; 60% - 1500 square feet; the tract is located south of Newsom Road West of North Mesquite Creek; 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 17th day of June, A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

FIELD NOTES

51.0759 Acre Tract

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BEING a tract of land situated in the W.J. Lewis Survey, Abstract No. 812, the C. Taylor Survey, Abstract No. 1750 and the S. Andrews Survey, Abstract No. 40, City of Mesquite, Dallas County, Texas and being part of the tract of land as conveyed to Hugh M. Cunningham by deed dated August 6, 1965, recorded in the Deed Records of Dallas County, Texas and being more particularly described as follows:

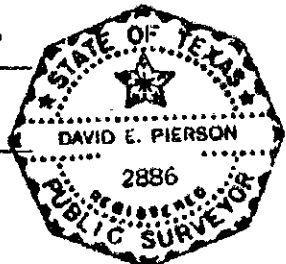
- BEGINNING at an iron rod set for a corner in the center of Newsome Road at the Northwest corner of the hereinabove mentioned Cunningham tract; said point also being the Northwest corner of the W.J. Lewis Survey, Abstract No. 812;
- THENCE: South 89°54'09" East with the center of Newsome Road a distance of 1114.00 feet to an iron rod set for corner;
- THENCE: South 89°06'36" East with the center of Newsome Road a distance of 332.68 feet to an iron rod set for a corner;
- THENCE: South 74°18'18" East with the center of Newsome Road a distance of 125.69 feet to an iron rod set for a corner;
- THENCE: South 32°11'45" East with the center of Newsome Road a distance of 127.62 feet to an iron rod set for a corner;
- THENCE: South 20°04'17" East with the center of Newsome Road a distance of 332.17 feet to an iron rod set for a corner;
- THENCE: South 40°53'47" West for a distance of 22.88 feet to an iron rod set for a corner;
- THENCE: South 40°25'47" East for a distance of 57.49 feet to an iron rod set for a corner;
- THENCE: South 20°04'17" East for a distance of 207.36 feet to an iron rod set for a corner;
- THENCE: South 34°25'52" East for a distance of 403.21 feet to an iron rod set for a corner;
- THENCE: South 20°04'17" East for a distance of 191.22 feet to an iron rod set for a corner;
- THENCE: North 89°15'13" west for a distance of 812.82 feet to an iron rod set for a corner;
- THENCE: North 89°29'47" West with a fence a distance of 1329.40 feet to an iron rod set for a corner at a fence post;
- THENCE: North 0°15'21" East with a fence a distance of 1206.80 feet to the POINT OF BEGINNING and containing 2,224,866 square feet or 51.0759 acres of land.

To any person, firm or corporation relying upon the accuracy of this survey or plat, I, David E. Pierson, Registered Public Surveyor, State of Texas, do certify that this plat represents measurements performed upon the ground under my supervision, and indicates 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.

David E. Pierson

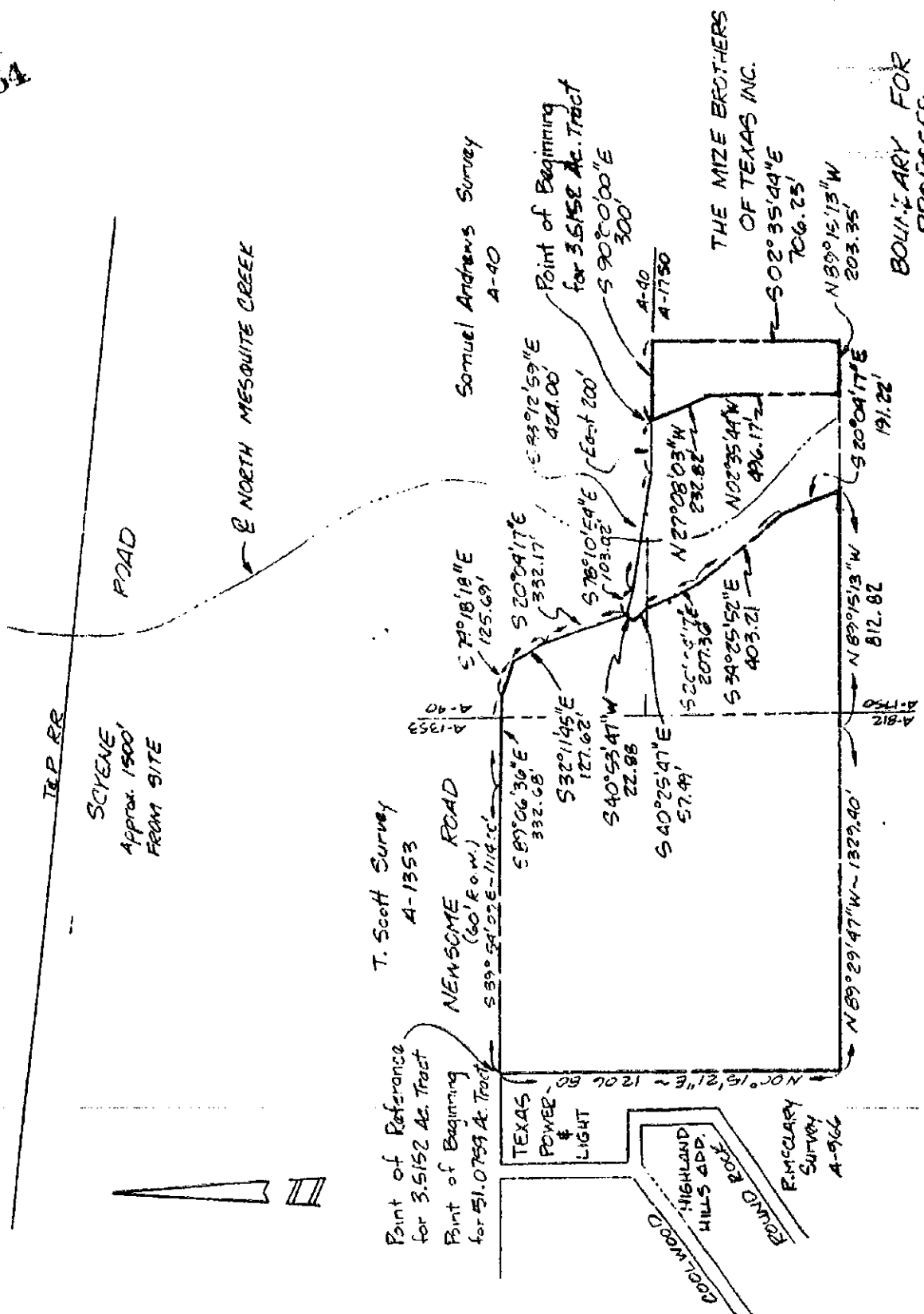
Registered Public Surveyor No. 2886
State of Texas

Date 5-29-95



#1750-3

CC154



SCALE: 1"=500'

83-9P-375

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