

ORDINANCE NO. 2197
File No. 445-2

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-3 SINGLE FAMILY TO GENERAL RETAIL ON A 2.1415 ACRE TRACT LOCATED 700 FEET SOUTHEAST OF THE MERCURY ROAD AND CLAY 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 (\$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-3 Single Family to General Retail on a 2.1415 acre tract located 700 feet southeast of the Mercury Road and Clay 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 15th day of July, A.D., 1985.



Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

FIELD NOTE DESCRIPTION

BEING a tract of land situated in the Isaac Edwards Survey, Abstract Number 445, City of Mesquite, Dallas County, Texas, being part of a tract of land conveyed by deed to Willard R. Baker as recorded in Volume 83196, Page 5313, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point of intersection of the southeast right-of-way line of Mercury Road (100' width) as recorded in Volume 85080, Page 1891, Deed Records, Dallas County, Texas, and the northeast right-of-way line of Clay Road (100' width) as recorded in Volume 85080, Page 1939, Deed Records, Dallas County, Texas;

THENCE South $44^{\circ} 51' 17''$ West along said northeast right-of-way line a distance of 602.77 feet to a point for the beginning of a curve to the left having a central angle of $02^{\circ} 03' 42''$ and a radius of 2400.00 feet;

THENCE along said curve and continuing along said northeast right-of-way line an arc distance of 86.36 feet and having a chord bearing and distance of South $43^{\circ} 49' 26''$ East 86.36 feet to the POINT OF BEGINNING;

THENCE North $45^{\circ} 08' 43''$ East and leaving said northeast right-of-way line, a distance of 623.94 feet to the beginning of a curve to the right having a central angle of $23^{\circ} 49' 01''$ and a radial bearing and distance of South $45^{\circ} 08' 43''$ West 380.00 feet;

THENCE along said curve to the right an arc distance of 157.96 feet and a chord bearing and distance of South $32^{\circ} 56' 47''$ East 156.83 feet to the point of reverse curvature to the left having a central angle of $2^{\circ} 13' 59''$ and a radial bearing and distance of North $68^{\circ} 57' 44''$ East 380.00 feet;

THENCE along said reverse curve to the left an arc distance of 14.81 feet and a chord bearing and distance of South $22^{\circ} 09' 16''$ East 14.81 feet to a point on a curve to the left having a central angle of $21^{\circ} 07' 09''$ and a radial bearing and distance of South $23^{\circ} 44' 08''$ East 249.57 feet;

THENCE along said curve to the left an arc distance of 91.99 feet and a chord bearing and distance of South $55^{\circ} 42' 18''$ West 91.47 feet to the point of tangency;

THENCE South $45^{\circ} 08' 43''$ West a distance of 396.39 feet to the beginning of a curve to the right having a central angle of $05^{\circ} 36' 21''$ and a radius of 1117.68 feet;

THENCE along said curve to the right an arc distance of 109.35 feet and a chord bearing and distance of South $47^{\circ} 56' 53''$ West 109.31 feet to a point on a curve to the left having a central angle of $03^{\circ} 28' 12''$ and a radial bearing and distance of South $50^{\circ} 40' 37''$ West 2400.00 feet, said point also being in the northeast right-of-way line of aforementioned Clay Road;

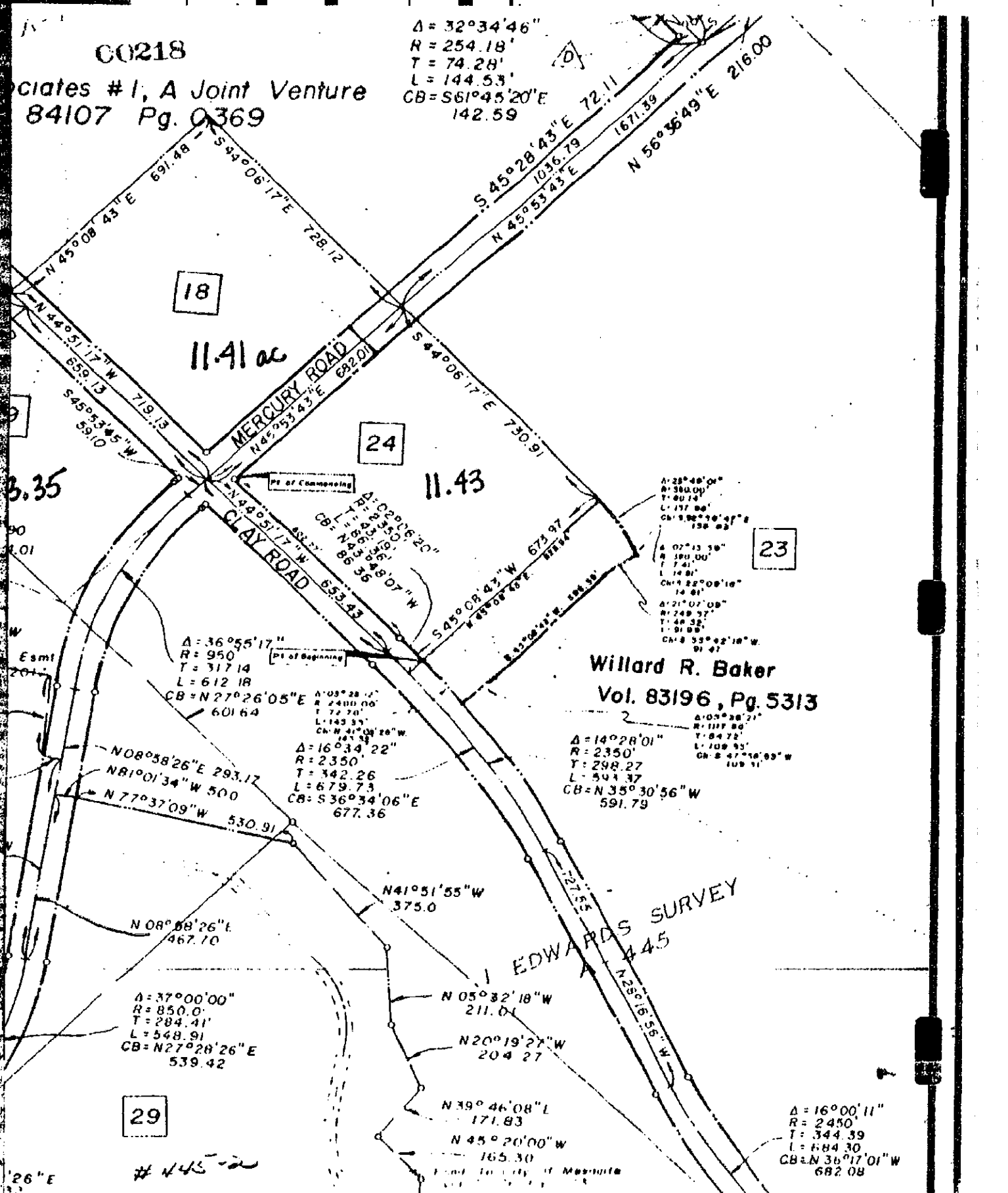
THENCE along said curve to the left and along said northeast right-of-way line an arc distance of 145.35 feet and a chord bearing and distance of North $41^{\circ} 03' 28''$ West 145.32 feet to the POINT OF BEGINNING and CONTAINING 2.1415 acres or 93,283 square feet of land.

445-2

C0218

Plats #1, A Joint Venture
84107 Pg. 0369

$\Delta = 32^{\circ}34'46''$
 $R = 254.18'$
 $T = 74.28'$
 $L = 144.53'$
 $CB = S61^{\circ}45'20''E$
 142.59



18

11.41 ac

24

11.43

23

29

Willard R. Baker
Vol. 83196, Pg. 5313

EDWARDS SURVEY
#45

$\Delta = 37^{\circ}00'00''$
 $R = 850.0'$
 $T = 284.41'$
 $L = 548.91'$
 $CB = N27^{\circ}28'26''E$
 539.42

$\Delta = 16^{\circ}34'22''$
 $R = 2350'$
 $T = 342.26'$
 $L = 679.73'$
 $CB = S36^{\circ}34'06''E$
 677.36

$\Delta = 36^{\circ}55'17''$
 $R = 950'$
 $T = 317.14'$
 $L = 612.18'$
 $CB = N27^{\circ}26'05''E$
 601.64

$\Delta = 14^{\circ}28'01''$
 $R = 2350'$
 $T = 298.27'$
 $L = 504.37'$
 $CB = N35^{\circ}30'56''W$
 591.79

$\Delta = 28^{\circ}48'01''$
 $R = 380.00'$
 $T = 60.74'$
 $L = 177.86'$
 $CB = S82^{\circ}20'47''E$
 158.85

$\Delta = 07^{\circ}13'58''$
 $R = 180.00'$
 $T = 7.41'$
 $L = 14.81'$
 $CB = S2^{\circ}09'16''E$
 14.81

$\Delta = 21^{\circ}07'09''$
 $R = 249.97'$
 $T = 48.32'$
 $L = 91.88'$
 $CB = S5^{\circ}42'18''W$
 91.47

$\Delta = 16^{\circ}00'11''$
 $R = 2450'$
 $T = 344.39'$
 $L = 684.30'$
 $CB = N36^{\circ}17'01''W$
 682.08

$N39^{\circ}46'08''E$
 171.83

$N45^{\circ}20'00''W$
 165.30

Point to City of Memphis

$N41^{\circ}51'55''W$
 375.0

$N05^{\circ}32'18''W$
 211.01

$N20^{\circ}19'27''W$
 204.27

$N08^{\circ}08'26''E$
 467.10

$N08^{\circ}58'26''E$
 293.17

$N81^{\circ}01'34''W$
 500

$N77^{\circ}37'09''W$
 530.91

$\Delta = 02^{\circ}06'20''$
 $R = 2350'$
 $T = 85.39'$
 $L = 85.39'$
 $CB = N43^{\circ}48'07''W$
 85.39

$S45^{\circ}28'43''E$
 72.11

$N45^{\circ}53'43''E$
 1036.79

$N56^{\circ}36'49''E$
 216.00

$N45^{\circ}08'43''E$
 691.48

$S44^{\circ}06'17''E$
 728.12

$N44^{\circ}51'17''W$
 659.13

$S45^{\circ}53'45''W$
 59.10

3.35

1.01

Esmt

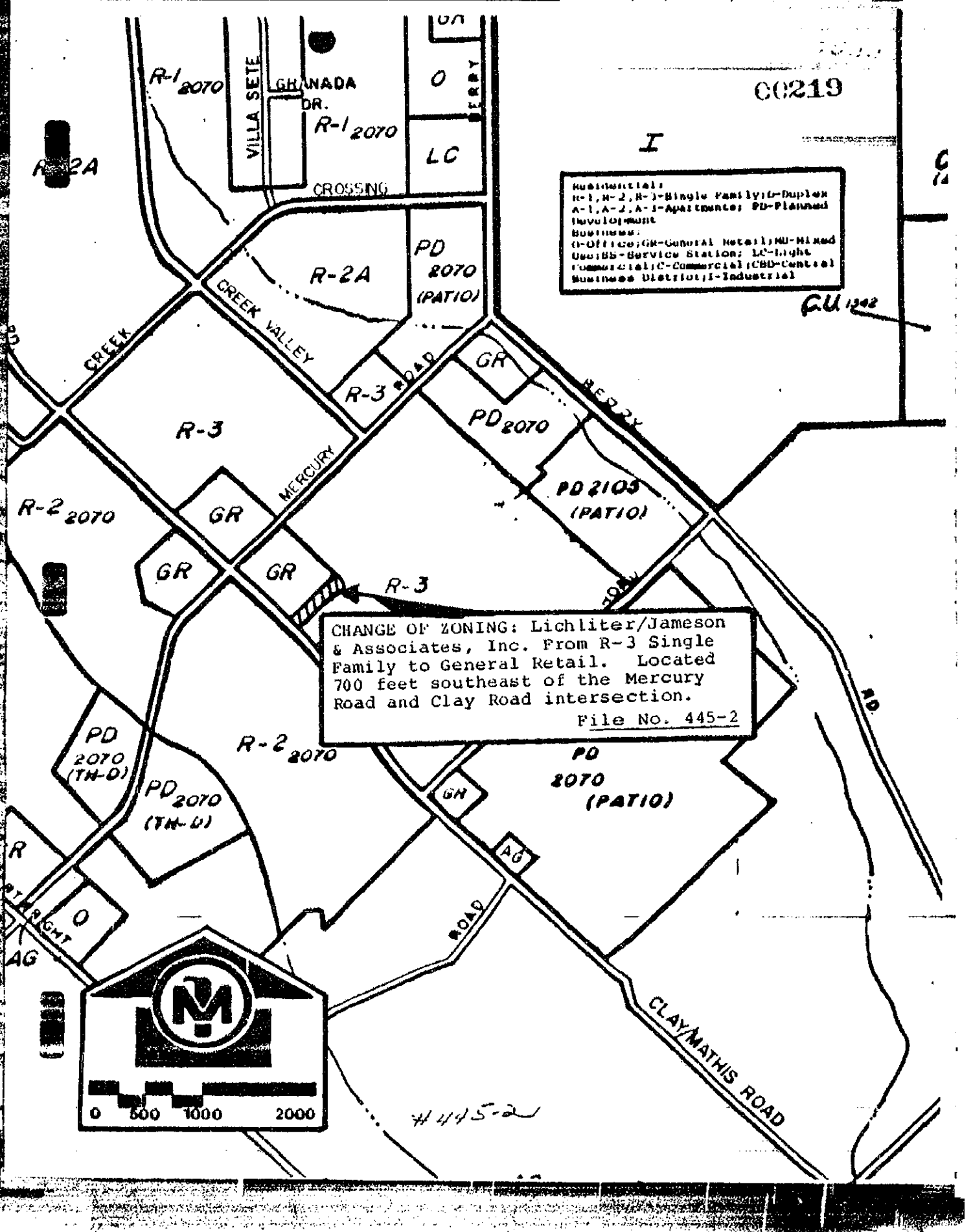
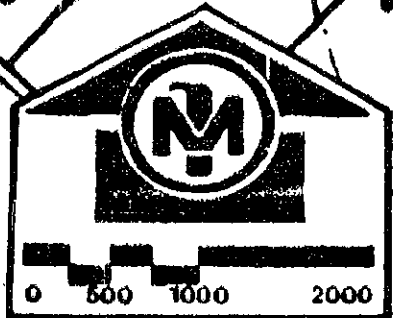
26"E

445-22

00219

Legend:
 Residential:
 R-1, R-2, R-3 - Single Family; D - Duplex
 A-1, A-2, A-3 - Apartments; PD - Planned
 Development
 Business:
 O - Office; GR - General Retail; MU - Mixed
 Use; BS - Service Station; LC - Light
 Commercial; C - Commercial (CBD - Central
 Business District); I - Industrial

CHANGE OF ZONING: Lichter/Jameson
 & Associates, Inc. From R-3 Single
 Family to General Retail. Located
 700 feet southeast of the Mercury
 Road and Clay Road intersection.
 File No. 445-2



00220