

ORDINANCE NO. 2202
File No. 1462-177

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 MULTIFAMILY AT 22 UNITS PER ACRE AND/OR GENERAL RETAIL ON ONE ACRE TO GENERAL RETAIL; THE 9.0586 ACRE TRACT IS LOCATED GENERALLY SOUTH AND EAST OF THE WINDBELL DRIVE AND GROSS 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 Planned Development Multifamily at 22 units per acre and/or General Retail on one acre to General Retail; the 9.0586 acre tract is located generally south and east of the Windbell Drive and Gross Road 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 (\$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 5th day of August A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

FIELD NOTES FOR
GENERAL RETAIL ZONING

9.0586 Acres

BEING a tract of land situated in the City of Mesquite, Dallas County, Texas and lying in the Daniel Tanner Survey, Abstract No. 1462, said tract being part of a tract of land conveyed to David E. Wicker, Jr., as recorded in Volume 80241, Page 1718 of the Deed Records of Dallas County, and being more particularly described as follows.

BEGINNING at a point on the northeasterly right-of-way line of Gross Road (120' R.O.W.), said point being the most westerly corner of the Gross Road Dairy Queen Addition, an addition to the City of Mesquite, as recorded in Volume 72018, Page 230 of the Plat Records of Dallas County;

THENCE N 45°40'15" W, along said R.O.W. line of Gross Road, 732.11 feet to a point for corner, said point being the most southerly corner of a 1.5 acre tract of land conveyed to Dallas Teachers Credit Union, as recorded in Volume 76212, Page 2173 of the Deed Records of Dallas County;

THENCE along the boundary line of said 1.5 acre tract as follows:

N 44°27'38" E, 311.14 feet to a point for corner;

N 45°40'19" W, 243.50 feet to a point for corner, said point being on the centerline of a 67 foot ingress and egress, Public Utility and Fire Lane Easement conveyed to the City of Mesquite as recorded in Volume 71172, Page 2111 of the Deed Records of Dallas County;

THENCE N 44°27'38" E, along the centerline of said City of Mesquite easement, 298.86 feet to a point for corner, said point being on the southwesterly boundary line of Redman Square Apartments, an addition to the City of Mesquite as recorded in Volume 71172, Page 2111 of the Plat Records of Dallas County;

THENCE S 45°40'15" E, along said boundary line of Redman Square Apartments, 520.16 feet to a point for corner;

THENCE S 09°28'23" W, 305.83 feet to the point of curvature;

THENCE along a curve to the right, with a chord bearing of S 21°17'27" W, for a chord distance of 163.84 feet, said curve having a central angle of 23°38'08", a radius of 400.00 feet and an arc length of 165.01 feet to a point for corner;

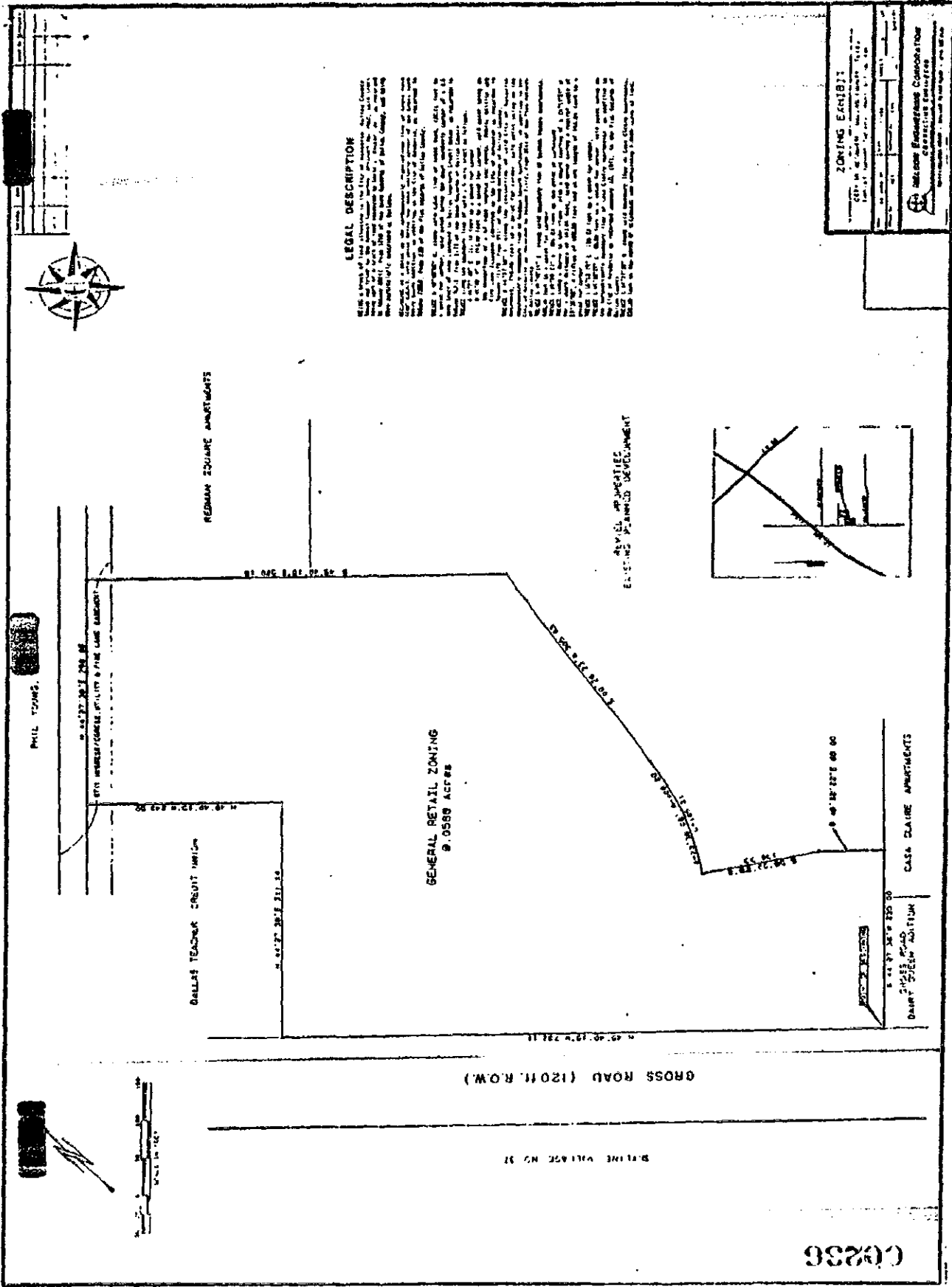
THENCE S 56°53'29" E, 138.33 feet to a point for corner;

THENCE S 45°32'22" E, 80.00 feet to a point for corner, said point being on the northwesterly boundary line of Casa Claire Apartments, an addition to the City of Mesquite as recorded January 13, 1971, in the Plat Records of Dallas County;

THENCE S 44°27'38" W, along said boundary line of Casa Claire Apartments, 235.00 feet to the POINT OF BEGINNING and containing 9.0586 acres of land.

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LEGAL DESCRIPTION

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD OF THE DEED RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF MILWAUKEE, WISCONSIN, ON THE 15TH DAY OF FEBRUARY, 1968, IN VOLUME 112, PAGE 111. THE ORIGINAL RECORD OF THE DEED IS FILED IN THE OFFICE OF THE CLERK OF COURTS, COUNTY OF MILWAUKEE, WISCONSIN, IN THE PUBLIC RECORDS, VOLUME 112, PAGE 111.

THE DEED DESCRIBES A CERTAIN PARCEL OF LAND IN THE CITY OF MILWAUKEE, WISCONSIN, AND THE SAME IS BEING RECORDED FOR THE PURPOSE OF RECORDING THE SAME IN THE PUBLIC RECORDS OF THE COUNTY OF MILWAUKEE, WISCONSIN.

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ZONING EXHIBIT

Zone	Area	Area	Area	Area	Area
General Retail	9.0589				
Reeman Square					
Gallagher Teacher					
Casa Claire					
Dairy Steer					

Wisconsin Engineering Corporation
Professional Engineer
No. 10000

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