

ORDINANCE NO. 2228
File No. 657-1

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 THE FOLLOWING: TRACT I - INDUSTRIAL WITH A CONDITIONAL USE FOR AIRPORT USES; TRACT II - INDUSTRIAL WITH THE ADDED STIPULATION THAT (1) NO PARKING BE PERMITTED IN THE FRONT YARD SETBACK ALONG BERRY ROAD AND LAWSON ROAD; (2) A MINIMUM 50 FOOT FRONT YARD SETBACK WITH LANDSCAPING REQUIRED IN THE SETBACK, AND (3) BUILDINGS FACING BERRY ROAD AND LAWSON ROAD MUST BE MASONRY; TRACT III - INDUSTRIAL; TRACT IV - COMMERCIAL; THE FOUR TRACTS ARE LOCATED GENERALLY SOUTH AND EAST OF THE HUDSON MUNICIPAL AIRPORT, BOUNDED BY LAWSON ROAD AND THE CITY LIMITS ON THE EAST AND BERRY ROAD ON THE SOUTH, 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

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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 the following: Tract I - Industrial with a Conditional Use for Airport uses; Tract II - Industrial with the added stipulation that (1) No parking be permitted in the front yard setback along Berry Road and Lawson Road; (2) A minimum 50 foot front yard setback with landscaping required in the setback, and (3) Buildings facing Berry Road and Lawson Road must be masonry; Tract III - Industrial; Tract IV - Commercial. The four tracts are located generally south and east of the Hudson Municipal Airport, bounded by Lawson Road and the City Limits on the east and Berry Road on the south; 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.

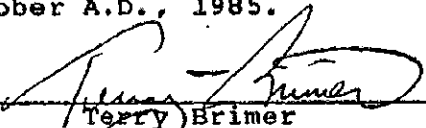
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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

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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.

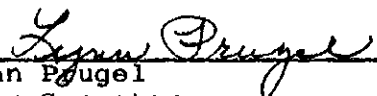
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 7th day of October A.D., 1985.



Terry Brimer
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:



Lynn P. Jugel
City Secretary

Elland Archer
City Attorney

Tract 1

Being a tract, lot or parcel of land, situated in the City of Mesquite, Dallas County, Texas, and being out of the William Bryan Survey, Abstract No. 657, the Benjamin Beckner Survey, Abstract No. 1617, the Sam Houston Survey, Abstract No. 657, the W. W. Burton Survey, Abstract No. 160, and the J. Pikes Survey, Abstract No. 1174, and being more particularly described as follows:

BEGINNING at a 1" iron rod for an ell corner of the Sam Houston Survey and the southeast corner of the William S. Robinson Survey, Abstract No. 1262; said corner also being the southeast corner of a tract conveyed to the City of Mesquite by Phil L. Hudson Airport, Inc. in deed dated January 11, 1982, and recorded in Volume 82007, Page 1782 of the Deed Records of Dallas County, Texas;

THENCE South $00^{\circ}20'00''$ West with an extension of the east line of said Phil L. Hudson Airport tract distance of 1750.00 feet to a 1/2" iron rod;

THENCE South $08^{\circ}11'51''$ East 1719.02 feet to a 1/2" iron rod set for the southeast corner of this tract;

THENCE North $89^{\circ}40'00''$ West 1010.00 feet to a 1/2" iron rod set for the southwest corner of this tract;

THENCE North $08^{\circ}51'52''$ East 826.15 feet to a 1/2" iron rod set for corner;

THENCE North $44^{\circ}45'21''$ West 478.11 feet to a 1/2" iron rod set for corner;

THENCE North $45^{\circ}07'27''$ East 223.14 feet to a 1/2" iron rod set for corner;

THENCE North $00^{\circ}20'00''$ East 641.04 feet to a 1/2" iron rod set for corner;

THENCE North $45^{\circ}03'10''$ West 2109.65 feet to a 1/2" iron rod set for corner;

THENCE North $89^{\circ}58'39''$ East 1055.47 feet to a 3/8" iron rod set for corner;

THENCE North $89^{\circ}58'39''$ East 1260.18 feet to the POINT OF BEGINNING, containing 93.028 acres of land.

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Tract II

Being a tract, lot or parcel of land situated in the City of Mesquite, Dallas County, Texas and being a portion of the William Bryan Survey, Abstract No. 657, the J. Pike Survey, Abstract No. 1174, and the W. W. Burton Survey, Abstract No. 160, and being more particularly described as follows:

BEGINNING at a 1" iron rod for an ell corner of the Sam Houston Survey and the southeast corner of the William S. Robinson Survey, Abstract No. 1262; said corner also being the southeast corner of a tract conveyed to the City of Mesquite by Phil L. Hudson Airport, Inc. in deed dated January 11, 1982, and recorded in Volume 82007, Page 1782 of the Deed Records of Dallas County, Texas;

THENCE South $89^{\circ} 58' 39''$ West along the said south line of the Phil H. Hudson Airport, a distance of 2315.65 feet, to a point in the north line of the W. S. Long survey, Abstract 825;

THENCE Southwesterly along the said southeast line of the W. S. Long survey, Abstract 825, to the North Right of Way line for Berry Road;

THENCE Southeasterly along the said north Right Of Way line of Berry Road to the west Right of Way line of Lawson Road;

THENCE Northeasterly along the said west Right of Way line for Lawson Road to the northeast line of the W. W. Bruton Survey, Abstract 160, also being the Mesquite City Limits line;

THENCE Northwesterly along the north east line of the W. W. Bruton Survey, Abstract 160, to the east property line of the said Phil H. Hudson Airport;

THENCE Southeasterly along the said east property line of the Phil H. Hudson Airport to a 1/2" iron rod set for the southeast corner of the said Phil H. Hudson;

THENCE North $89^{\circ} 40' 00''$ West 1010.00 feet to a 1/2" iron rod set for the southwest corner of the Phil H. Hudson Airport;

THENCE North $08^{\circ} 51' 52''$ East 826.15 feet to a 1/2" iron rod set for corner;

THENCE North $44^{\circ} 45' 21''$ West 478.11 feet to a 1/2" iron rod set for corner;

THENCE North $45^{\circ} 07' 27''$ East 223.14 feet to a 1/2" iron rod set for corner;

THENCE North $00^{\circ} 20' 00''$ East 641.04 feet to a 1/2" iron rod set for corner;

THENCE North $45^{\circ} 03' 10''$ West 2109.65 feet to a 1/2" iron rod set for corner;

THENCE Northeast along the south line of the William Bryan Survey to a POINT OF BEGINNING.

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Tract III

Being a tract, lot or parcel of land, situated in the City of Mesquite, Dallas County, Texas, and being out of the William Bryan Survey, Abstract No. 657, the Benjamin Beckner Survey, Abstract No. 1617, and the R. Rowe Survey, Abstract No. 1630, and being more particularly described as follows:

BEGINNING at a 1" iron rod for an ell corner of the Sam Houston Survey and the southeast corner of the William S. Robinson Survey, Abstract No. 1262; said corner also being the southeast corner of a tract conveyed to the City of Mesquite by Phil L. Hudson Airport, Inc. in deed dated January 11, 1982, and recorded in Volume 82007, Page 1782 of the Deed Records of Dallas County, Texas;

THENCE North, East and North along the survey line of the W. S. Robinson Survey, Abstract 1262 and along the east line of the said W. S. Robinson Survey, Abstract 1262, projected to a point 1000 feet at right angles from the south Right of Way line of the Texas and Pacific Railroad;

THENCE Southeasterly along a line 1000 feet from and parallel at 1000 feet to the south Right of Way line of the said Texas and Pacific Railroad to a point in the East County boundary line of Dallas County, also the west line of the Lawson Road Right of Way;

THENCE South, Southeast and South along the East County boundary of Dallas County, also the west Right of Way line for Lawson Road and the western City Limits of the City of Mesquite to the intersection of the said City Limit line and the Benjamin Beckner Survey, Abstract 1617;

THENCE Southwesterly along the south line of Lot 7 and Lot 8 in said Benjamin Beckner Survey, Abstract 1617, to a point in the northeast line of the W. W. Bruton Survey, Abstract 160;

THENCE Northwesterly along the north line of the said W. W. Bruton Survey, Abstract 160, to the east property line of the said Phil H. Hudson Airport;

THENCE North along the east property line of the Phil H. Hudson Airport to the POINT OF BEGINNING.

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Tract IV

Being a tract, lot or parcel of land situated in the McKinney and Williams Survey, Abstract No. 1026, City of Mesquite, Dallas County, Texas and being more particularly described as follows:

Beginning at a point in the southerly right of way line of Scyene Road (a 60 foot right of way) for the most northerly northwest corner of a 120.82 acre tract of land conveyed to Phil Hudson Airport, Inc. by deed recorded in Volume 77065, Page 1399, DRDCT;

THENCE Southwest a distance of 326.23 feet to a 1/2" iron rod set for corner;

THENCE Northwest a distance of 574.48 feet to a 1/2" iron rod set for corner;

THENCE Northeast a distance of 600 feet (plus or minus) to the south Right of way line of Scyene Road (a 60 foot Right of Way);

THENCE Southeast along the south Right of Way of Scyene Road 740 feet (plus or minus) to the POINT OF BEGINNING.

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