

ORDINANCE NO. 2240
File #1462-185

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 GENERAL RETAIL AND DUPLEX TO PLANNED DEVELOPMENT/LIGHT COMMERCIAL ON A 7.2182 ACRE TRACT LOCATED SOUTH AND WEST OF THE SCYENE ROAD AND NEW PEACHTREE 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 General Retail and Duplex to Planned Development/Light Commercial on a 7.2182 acre tract located south and west of the Scyene Road and New Peachtree 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 21st day of October A.D., 1985.



Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

FIELD NOTE DESCRIPTION

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BEING four tracts of land situated in the Daniel Tanner Survey, Abstract No. 1462 and the Job Badgley Survey, Abstract No. 74, City of Mesquite, Dallas County, Texas, being part of a tract of land conveyed by deed from Skyline Investors Joint Venture to LBJ East Joint Venture as recorded in Volume 84187, Page 4810, Deed Records of Dallas County, Texas, and being more particularly described as follows:

TRACT I

BEGINNING at a 1/2 inch iron rod found for the intersection of the south right-of-way line of Scyene Road (100' width) and the east right-of-way line of Peachtree Road (60' width);

THENCE North 69° 18' 57" East along said south right-of-way line a distance of 455.88 feet to a 1/2 inch iron rod found in the centerline of new Peachtree Road (50' to east right-of-way line);

THENCE South 20° 20' 03" East along said centerline a distance of 101.92 feet to a 1/2 inch iron rod found for the beginning of a circular curve to the right having a central angle of 53° 00' 56" and a radius of 802.28 feet,

THENCE along said circular curve to the right and continuing along said centerline an arc distance of 747.35 feet and a chord bearing and distance of South 06° 10' 25" West 716.15 feet to a 1/2 inch iron rod found for the point of tangency;

THENCE South 32° 40' 53" West continuing along said centerline a distance of 156.02 feet to a 1/2 inch iron rod set for corner;

THENCE North 57° 19' 07" West a distance of 344.90 feet to a 1/2 inch iron rod set in the east right-of-way line of aforementioned Peachtree Road,

THENCE North 01° 00' 09" West along said east right-of-way line a distance of 591.71 feet to the POINT OF BEGINNING and CONTAINING 8.3396 acres or 363,275 square feet of land of which 1,1214 acres (48,850 square feet) lies within proposed right-of-way of new Peachtree Road giving a net acreage of 7.2182 acres (314,425 square feet).

TRACT II

BEGINNING at a 1/2 inch iron rod found for the intersection of the south right-of-way line of Scyene Road (100' width) and the east right-of-way line of Peachtree Road (60' width);

THENCE South 01° 00' 09" East along said east right-of-way line a distance of 591.71 feet to a 1/2 inch iron rod set for the POINT OF BEGINNING;

THENCE South 57° 19' 07" East a distance of 344.90 feet to a 1/2 inch iron rod set for corner in the centerline of new Peachtree Road (50' to east right-of-way line);

THENCE South 32° 40' 53" West along said centerline a distance of 152.06 feet to a 1/2 inch iron rod found for the beginning of a circular curve to the left having a central angle of 17° 08' 58" and a radius of 125.00 feet;

THENCE along said circular curve to the left and continuing along said centerline an arc distance of 717.00 feet and a chord bearing and distance of South 24° 06' 24" West 216.14 feet to a 1/2 inch iron rod found for the end of curve, said rod being in the east right-of-way line of aforementioned Peachtree Road,

THENCE North 01° 00' 09" West along said east right-of-way line a distance of 680.00 feet to the POINT OF BEGINNING and CONTAINING 2.0830 acres or 90,735 square feet of land of which 0.5810 acres (25,310 square feet) lies within proposed right-of-way of new Peachtree Road giving a net acreage of 1.5020 acres (65,425 square feet).

TRACT III

BEGINNING at a 1/2 inch iron rod set for the northeast corner of a tract of land conveyed by deed from LBJ East Joint Venture to McDonald's Corporation as recorded in Volume 85149, Page 3770, Deed Records of Dallas County, Texas, said iron rod being in the south right-of-way line of Scyene Road (100' width);

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McDonald's Corp.
Vol. 85144, Pg. 3770
D.R.D.C.T.

N. 69°31'10"E
118.74'
ROAD

100.00

51.36

E.M.H.
h/p

N 80°
29'

N. 69°31'07"E
351.91'

N. 69°31'10"E
181.00'

5/8" I.R.F.

SCYENE

N. 69°18'57"E
455.88'

N. 69°31'10"E
224.28'

$\Delta = 15^\circ 12' 01''$
 $R = 852.28'$
 $T = 113.72'$
 $L = 226.11'$
 $CH = N. 07^\circ 58' 47''$
225.44'

Pt. of Beginning Tract I
Pt. of Commencing Tract II

Tract III
467,062 Sq. Ft.
10.7223 Acres

S. 89°41'43" W
575.52'

ROAD

N. 01°00'09" W. 591.71'

Tract I
363,275 Sq. Ft.
8.3396 Acres
50' to be Dedicated to
Peachtree R.I. R.O.W.

50' Dedication
Vol. 83110, Pg. 0141

$\Delta = 53^\circ 00' 56''$
 $R = 802.28'$
 $T = 400.14'$
 $L = 742.35'$
 $CH = S 06^\circ 10' 25'' W$
716.15'

Pt. of Beginning
Tract II

Tract I
48,850 Sq. Ft.
1.1214 Acres
Within Prop. R.O.W.

PEACHTREE

N. 57°19'07" W. 344.90'

PEACHTREE RD.
S. 32°40'53" W.
156.02'

TOWN R.O.G.L. ADDITION
FIRST INCHMENT
Vol. 84134, Pg. 4561

Tract II
90,735 Sq. Ft.
2.0830 Acres

Tract II
25,310 Sq. Ft.
0.5810 Acres
Within Prop. R.O.W.

S. 17°08'58"
R = 725.00'
T = 109.32'
L = 517.00'
CH = S 24°06'24" W
216.19'

1/2" I.R.F.

CHS. MK. at
INTER.

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EX. ABST. No. 1462
ABST. No. 74