ORDINANCE NO. 2313 File No. 1-1A

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 THE FOLLOWING CHANGES BY TRACT: TRACT I - FROM GENERAL RETAIL TO R-2A (2.6797 ACRES); TRACT II - FROM OFFICE & R-2A TO GENERAL RETAIL (4.0155 ACRES); TRACT III - FROM R-2A TO OFFICE (0.2514 ACRES); TRACT IV - FROM OFFICE TO PDSF/DETACHED (2.7319 ACRES); TRACT V - FROM OFFICE & PDSF/DETACHED TO GENERAL RETAIL (0.8058 ACRES); TRACT VI FROM PDSF/DETACHED TO OFFICE (10.8366 ACRES); TRACT VII - FROM GENERAL RETAIL TO R-3 (9.1796 ACRES); TRACT VIII - FROM OFFICE, AG & R-3 TO GENERAL RETAIL (12.1098 ACRES); TRACT IX - FROM R-2 TO GENERAL RETAIL (3.7752 ACRES); THE SUBJECT TRACTS ARE LOCATED GENERALLY SOUTH OF NEWSOM ROAD AT CLAY ROAD AND NORTHEAST OF CARTWRIGHT ROAD; 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 ORDI-NANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZON-ING 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 DRAIN-AGE 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 the following changes by Tract: Tract I - From General Retail to R-2A (2.6797 acres); Tract II - From Office & R-2A to General Retail (4.0155 acres); Tract III - From R-2A to Office (0.2514 acres); Tract IV - From Office to PDSF/Detached (2.7319 acres); Tract V - From Office & PDSF/Detached to General Retail (0.8058 acres); Tract VI - From PDSF/Detached to Office (10.8366 acres); Tract VII - From General Retail to R-3 (9.1796 acres); Tract VIII - From Office, AG & R-3 to General Retail (12.1098 acres); Tract IX - From R-2 to General Retail (3.7752 acres); the subject tracts are located generally south of Newsom Road at Clay Road and northeast of Cartwright Road; 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 7th day of July A.D., 1986.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

Elland Archer City Attorney

#### **20NING FIELD NOTES**

#### From Shopping To R-2A

BEING a tract of land situated in the A.P. Summers Survey, Abstract No. 1677, the T.P. Summers Survey, Abstract No. 1667, and the A.B. Lanier Survey, Abstract No. 1662, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Baker & Associates #1, a Joint Venture, as recorded in Volume 84105, Page 5162, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the South line of Newsome Road (a 50.00 ft. R.O.W.) with the East line of Clay-Mathis Road (a 100.00 ft. R.O.W.); said point being on a circular curve to the left;

THENCE along said circular curve to the left having a central angle of 5° 11' 09", a radius of 150.95 ft., a tangent length of 6.84 ft., and an arc length of 13.66 ft. to an iron rod set for corner;

THENCE South 89° 32' 45" East along the said South line of Newsome Road a distance of 316.65 ft. to the POINT OF BEGINNING;

THENCE South 89° 32' 45" East continuing along the said South line of Newsome Road a distance of 319.99 ft. to an iron rod set for corner;

THENCE South 0° 27' 15" West departing the said South line of Newsome Road a distance of 367.42 ft. to an iron rod set for corner;

THENCE South  $88^{\circ}$  09' 20" West a distance of 305.00 ft. to an iron rod set for corner;

THENCE North 1° 50' 40" West a distance of 379.96 ft. to the POINT OF BEGINNING and containing 2.6797 Acres (116,729 sq. ft.) of land.

Tile # 1-1A

TRACT

367.42' 5 00° 27' 15"W\_ 2.6797 Acres -N 01 50 40 W

Point of Beginning

A= 05°11'09" R= 150,95' T= 6.84' L= 13.66'

Point of Commencing

Clay Mothis Road

1 ile # 1-1A

ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

Scale Nort Date 6-13-86

## TRACT 2 ZONING FIELD NOTES

## From R-2A & Garden Office To Shopping General Retail

BEING a tract of land situated in the A.P. Summers Survey Abstract No. 1677, and the A.B. Lanier Survey, Abstract No. 1662, City of Mesquite Dallas County, Texas, and being part of a tract of land conveyed by deed to Baker & Associates #1, a Joint Venture, as recorded in Volume 84105, Page 5162, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the South line of Newsome Road (a 50.00 ft. R.O.W) with the East line of Clay-Mathis Road (a 100.00 ft. R.O.W) THENCE South 1°50'40" East along the said East line of Clay-Mathis Road a distance of 393.82 ft. to the POINT OF BEGINNING;

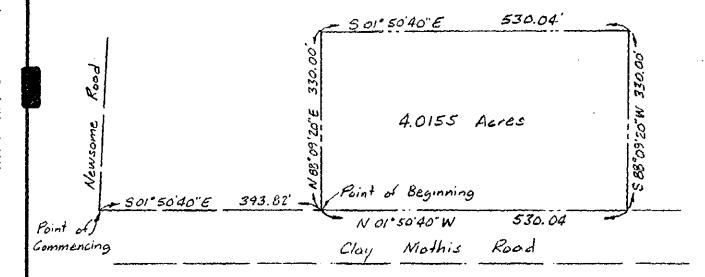
THENCE North 88°09'20" East departing the said Wast line of Clay-Mathis Road a distance of 330.00 ft. to an iron rod set for corner;

THENCE South 1°50'40" East a distance of 530.04 ft. to an iron rod set for corner;

THENCE South 88°09'20" West a distance of 330.00 ft. to an iron rod set in the said East line of Clay-Mathis Road;

THENCE North 1°50'40" West along the said East line of Clay-Mathis Road a distance of 530.04 ft. to THE POINT OF BEGINNING and containing 4.0155 acres (174,915 sq. ft.) of land.

Jile # 1.1A



arp

Jile #1-14

ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

Scale None. Date 6-13-86

#### ZONING FIELD NOTES

#### From R-2A To Garden Officex

BEING a tract of land situated in the A.B. Lanier Survey, Abstract No. 1662, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Baker & Associates #1, a Joint Venture, as recorded in Volume 84105, Page 5162, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the South line of Newsome; Road (a 50.00 ft. R.O.W.) with the East line of Clay-Mathis Road (a 100.00 ft. R.O.W.)

THENCE South 1°50'40" East along the said East line of Clay-Mathis Road a distance of 923.86 ft. to an iron rod set for corner;

THENCE North 88°09'20" East departing the said East line of Clay-Mathis Road a distance of 315.00 ft. to the POINT OF BEGINNING.

THENCE North 88°09'20" East a distance of 15.00 ft. to an iron rod set for corner;

THENCE South 1°50'40" East a distance of 729.96 ft. to an iron rod set for corner;

THENCE South 88°09'20" West a distance of 15.000 ft. to an iron rod set for corner;

THENCE North 1°50'40" West a distance of 729.96 ft. to the POINT OF BEGINNING and containing 0.2514 acres (10,949 sq. ft.) of land.

Dile # 1-1A

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Point of Commen	) )		Cla.,	Mathis	Road		

Dile # 1-1A

ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

Scale 116-6 Date 6-13-86 Job No. 85-4P. 232

#### ZONING FIELD NOTES

From Garden Offices to Single-Family
Detached Residential

BEING a tract of land situated in the A.B. Lanier Survey, Abstract No. 1662, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Baker & Associates #1, a Joint Venture, as recorded in Volume 84105, Page 5162, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the South line of a tract of land conveyed by deed to Mrs. Flora Raney, dated 24 February, 1960, and the South line of Newsome Road (a 50.00 ft. R.O.W.);

THENCE North 89° 32' 22" West departing the said South line of Newsome Road a distance 49.15 ft. to an iron rod set on the West line of Clay-Mathis Road (a 100.00 ft. R.O.W.);

THENCE South 1° 50' 40" East along the said West line of Clay-Mathis Road a distance of 472.01 ft. to the POINT OF BEGINNING;

THENCE South 1° 50' 40" East continuing along the said West line of Clay-Mathis Road a distance of 340.00 ft. to an iron rod set for corner;

THENCE South 88° 09' 20" West departing the said West line of Clay-Mathis Road a distance of 350.00 ft. to an iron rod set for corner;

THENCE North 1° 50' 40" West a distance of 340.00 ft. to an iron rod set for corner;

THENCE North 88° 09' 20" East a distance of 350.00 ft. to the POINT OF BEGINNING and containing 2.7319 Acres (119,000 sq. ft.) of land.

Dile # 1-1A

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Point of

Commencing

N 89°32'72"W Clay Mothis Road / 49.15'

S 01°50'40'E 472.01' 5 01°50'40'E 340.00'

Point of Beginning 8

.00.05E 3.02.60.88 N-2.7319 Acres

N 01.50.40.W 340.00

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Dile # 1-1A

ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

214/809-7918

Scale None Date 6-13-86 Job No. 85-9P-23?

## TRACT 5 ZONING FIELD NOTES

# FROM GARDEN OFFICE AND SINGLE FAMILY DETACHED RESIDENTIAL TO SHOPPING CERES!

BEING a tract of land situated in the A.B. Lanier Survey, Abstract No. 1662, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Baker & Associates #1, a Joint Venture, as recorded in Volume 84105, Page 5162, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the South line of a tract of land conveyed by deed to Mrs. Flora Raney, dated 24 February, 1960, and the South line of Newsome Road (a 50.00 ft. R.O.W.);

THENCE North 89°32'22" West departing the said South line of Newsome Road a distance of 49.15 ft. to an iron rod set on the West line of Clay-Mathis Road (a 100.00 ft. R.O.W);

THENCE South 1°50'40" East along the said West line of Clay-Mathis Road a distance of 412.01 ft. to the POINT OF BEGINNING;

THENCE South 1°50'40" East continuing along the said West line of Clay-Mathis Road a distance of 60.00 ft. to an iron rod set for corner;

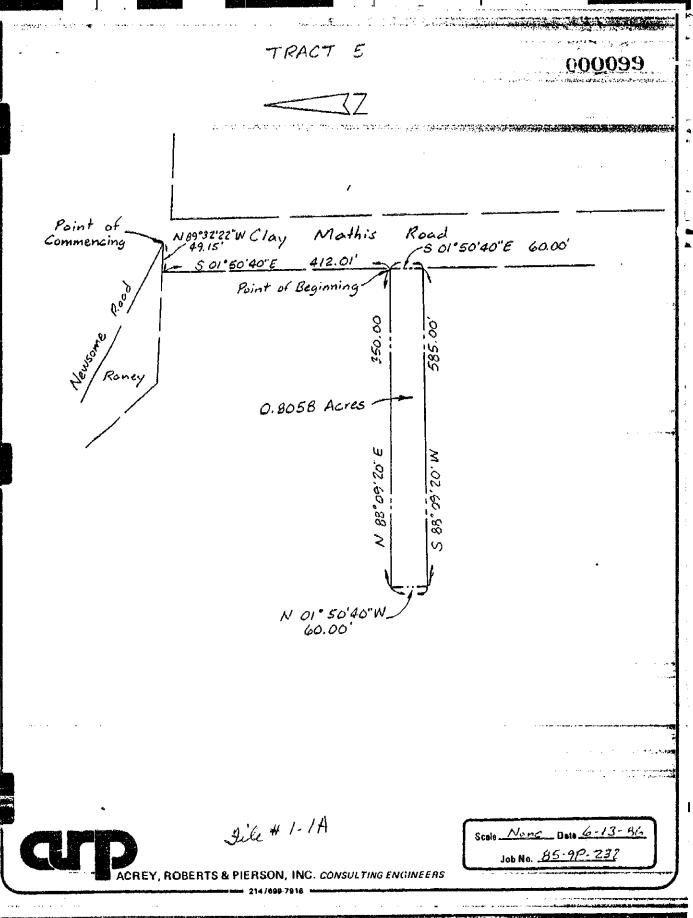
THENCE South 88°09'20" West departing the said West line of Clay-Mathis Road a distance of 585.00 ft. to an iron rod set for corner;

THENCE North 1°50'40" West a distance of 60.00 ft. to an iron rod set for corner;

THENCE North 88°09'20" East a distance of 350.00 ft. to the POINT OF BEGINNING and containing 0.8058 Acres (35,101 sq. ft.) of land.

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Jile # 1-1A



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#### ZONING FIELD NOTES

# From Single-Family Detached Residential To Gasden Offices

BEING a tract of land situated in the A.B. Lanier Survey, Abstract No. 1662, and being part of a tract of land conveyed by deed to Baker & Associates #1, a Joint Venture, as recorded in Volume 8410S, Page 5162, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set at the Northeast corner of Indian Trails Subdivision, an addition to the City of Mesquite, as recorded in Volume 84038, Page 2138, Plat Records of Dallas County, Texas, said corner being in the South line of Newsome Road (variable width R.O.W.);

THENCE North 89° 40' 49" East along the said South line of Newsome Road a distance of 647.76 ft. to an iron rod set for corner;

THENCE South 1° 50' 40" East departing the said South line of Newsome Road a distance of 736.48 ft. to an iron rod set for corner;

THENCE North 89° 57' 13" West a distance of 638.28 ft. to an iron rod set in the East line of the said Indian Trails Subdivision;

THENCE North 2° 35' 40" West along the said East line of the Indian Trails Subdivision a distance of 732.72 ft. to the POINT OF BEGINNING and containing 10.8366 Acres (472,042 sq. ft.) of land.

Dile # 1-1A

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TRACT S 01° 50' 40" E 736.48' 10.8365 Acres Point of Beginning N 02" 35' 40' W 732.72' Indian Trails

Jile# 1-1A

N 89.40,49"E

Newsoma

ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

Scala None Date 6-13-86 Job No. 65-9P-232

214/899-791

#### ZONING FIELD NOTES

#### From Shopping To R-3

BEING a tract of land situated in the J.P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Willard R. Baker as recorded in Volume 83218, Page 0434, Good Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the South corner of a tract of land conveyed by deed to Richard Porter Webb et ux, as recorded in Volume 861, Page 1901, Deed Records of Dallas County, Texas, said point also being on the Northeast line of Cartwright Drive (a 60.00 ft. R.O.W.);

THENCE South 44° 34' 02" East along the said Northeast line of Cartwright Drive a distance of 1285.48 ft. to the POINT OF BEGINNING;

THENCE North 45° 25' 58" East departing the said Northeast line of Cartwright Drive a distance of 686.60 ft. to an iron rod set for corner;

THENCE South 44° 01' 34" East a distance of 733.19 ft. to an iron rod set for corner;

THENCE South 45° 44' 09" West a distance of 179.69 ft. to an iron rod set for corner;

THENCE North 44° 15' 51" West a distance of 160.00 ft, to an iron rod set for the beginning of a circular curve to the left;

THENCE along said circular curve to the left having a central angle of  $90^{\circ}$  00' 00", a radius of 40.00 ft., a tangent length of 40.00 ft., and an arc length of 62.83 ft. to an iron rod set for corner;

THENCE South 45° 44' 09" West a distance of 461.06 ft. to an iron rod set in said Northeast line of Cartwright Drive;

THENCE North 44° 34' 02" West along the said Northeast line of Cartwright Drive a distance of 529.56 ft. to the POINT OF BEGINNING and containing 9.1796 acres (399,864 sq. ft.) of land.

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7 TRACT 000103 733.19' S 44°01'34"E 686.60 N44\*15'51"W 160.00 1: 90'00'00" R: 40.00' T= 40.00' L= 62.83' Rosd 9.1796 Acres 85,52.50 S45.44.05.W Webb Point of Commencing Point of Buying "S44" 34'02"E 1285:48' N 44 34 02" W 529.56' Road Cortwright Dile # 1. 14 Scale Nort Date 6-17-11 Job No. 25-9P- 232 ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

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## TRACT 8 ZONING FIELD NOTES

### FROM R-3 AND OFFICE TO SHOPPING GENERAL ROBAL

BEING a tract of land situated in the J.P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Baker & Associates #1, A Joint Venture as recorded in Volume 83196, Page 5343, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the South corner of a tract of land conveyed by deed to Richard Porter Webb et ux, as recorded in Volume 861, Page 1901, Deed Records of Dallas County, Texas, said point also being on the Northeast line of Cartwright Drive (a 60.00 ft. R.O.W);

THENCE South 44°34'02" East along the said Northeast line of Cartwright Drive a distance of 2065.48 ft. to an iron rod set for corner;

THENCE South 44°54'32" East along the said Northeast line of Cartwright Drive a distance of 49.56 ft. to the POINT OF BEGINNING;

THENCE North 45°44'09" East departing the said Northeast line of Cartwright Drive a distance of 752.52 ft. an iron rod set for corner;

THENCE South 44°01'34" East a distance of 662.97 ft. to an iron rod set for the beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of 89°07'02", a radius of 40.00 ft., a tangent length of 39.39 ft., and an arc length of 62.22 ft., to an iron rod set for corner;

THENCE South  $45^{\circ}05^{\circ}28^{\circ}$  West a distance of 702.27 ft. to an iron rod set for corner on the said Northeast line of Cartwright Drive;

THENCE North 44°54'32" West along the said Northeast line of Cartwright Drive a distance of 710.74 ft. to the POINT OF BEGINNING and containing 12.1098 Acres (527,503 sq. ft.) of land.

July #1/-1A

TRACT 1: 89°07'02" R: 40.00' T: 39.39' L: 62.72' 544°01'34"E 662.97' 12.1098 Acres 45.05.58" **(**⁄) Point of Commencing We66 Point of Beginning 710.74 N 44°54'32"W S 44°34'02" F 2065.48 \$ 44\*54'32\*E 49.56' Cortwright Ruad July #1-14 Scale Nort Date 6-13- B! ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

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#### ZONING FIELD NOTES

### From Single-Family to Shopping General Febil

BEING a tract of land situated in the 1. Edwards Survey, Abstract No. 445, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Baker & Associates #1, a Joint Venture as recorded in Volume 83196, Page 5343, Deed Records of Dallas County, Texas, and being more particularly described as follows;

BEGINNING at an iron rod set at the intersection of the Southwest line of Clay-Mathis Road (a 100.00 ft. R.O.W.) and the Southeast line of Mercury Road (a 100.00 ft. R.O.W.);

THENCE South 44°51'17" East along the said Southwest line of Clay-Mathis Road a distance of 604.08 ft. to an iron rod set for the beginning of a circular curve to the right;

THENCE along said circular curve to the right and continuing along the said Southwest line of Clay-Mathis Road, having a central angle of 5°58'36", a radius of 2300.00 ft., a tangent length of 120.07 ft., and an arc length of 239.92 ft. to an iron rod set for corner;

THENCE South 51°07'19" West departing the said Southwest line of Clay-Mathis Road a distance of 150.00 ft. to an iron rod set for corner;

THENCE North 84°13'11" West a distance of 71.13 ft. to an iron rod set for the beginning of a circular curve to the left;

THENCE along said circular curve to the left having a chord bearing and distance of North 42°32'54" West, 169.01 ft., a central angle of 4°36'45", a radius of 2100.00 ft., a tangent length of 84.57 ft., and an arc length of 169.06 ft. to an iron rod set for corner;

THENCE North 44° 51' 17" West a distance of 586.41 ft. to an iron rod set on a circular curve to the right; said point being on the said Southeast line of Mercury Road;

THENCE along said circular curve to the right and along the said Southeast line of Mercury Road, having a chord bearing and distance of North 39° 48' 05" East, 191.08 ft., a central angle of 12° 11' 15", a radius of 900.00 ft., a tangent length of 96.08 ft., and an arc length of 191.44 ft. to an iron rod set for corner;

THENCE North  $45^{\circ}$  53' 43'' East along the said Southeast line of Mercury Road a distance of 9.75 ft. to the POINT OF BEGINNING and containing 3.7752 Acres (164,449 sq. ft.) of land.

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ACREY, ROBERTS & PIERSON, INC. CONSULTING ENGINEERS

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