

ORDINANCE NO. 2358
File No. 1461-96

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 (1886) MULTIFAMILY TO PLANNED DEVELOPMENT GENERAL RETAIL ON A 6.0 ACRE TRACT LOCATED NORTH OF OATES DRIVE, MIDWAY BETWEEN IH 635 AND NORTHWEST DRIVE; 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 (1886) Multifamily to Planned Development General Retail on a 6.0 acre tract located north of Oates Drive, midway between IH 635 and Northwest Drive; 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 17th day of November A.D., 1986.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

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**BOUNDARY SURVEY
of Two Tracts of Land**

**3.359 Acre Tract 8
2.641 Acre Tract**

**in the Theophilus Thomas Survey,
Abstract 1461
City of Mesquite, Dallas County, Texas**

File Number 1461 - 96

1461-96

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FIELD NOTES

TRACT "A"

BEING tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, said tract also being a portion of the 28.22 acre tract surveyed by Donald S. Peebles R.P.S. No. 2437, 12/15/83, and being more particularly described as follows:

BEGINNING at an iron rod in the westerly line of Oates Drive (a 100' ROW) at its intersection with the northerly line of a 175' Dallas Power & Light Company right-of-way as recorded in Volume 5458, Page 221, and Volume 71071, Page 2023, Deed Records, Dallas County, Texas;

THENCE: N 62 degrees 22' 29" W, 438.06 feet with the northerly line of said DP&L Company easement to an iron rod for corner;

THENCE: N 27 degrees 37' 31" E, 237.03 feet to an iron rod in the southerly line of a proposed variable width right-of-way;

THENCE: S 64 degrees 43' 09" E, 313.31 feet to an iron rod in the southerly line of a proposed variable width right-of-way;

THENCE: along a tangent curve to the right and with the southerly line of said proposed right-of-way an arc length of 117.10 feet to an iron rod for corner, said curve having a central angle of 17 degrees 18' 18", a radius of 387.72 feet, a tangent length of 59.00 feet, a chord bearing of S 56°04' 00" E, and a chord length of 116.66 feet;

THENCE: S 47 degrees 24' 51" E, 81.17 feet to an iron rod for corner, said iron rod being in the westerly line of Oates Drive;

THENCE: with said westerly line of Oates Drive S 45 degrees 25' 14" W, 226.93 feet to the POINT OF BEGINNING and containing 2.641 acres (115050.5 square feet) of land.

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FIELD NOTES

TRACT "B"

BEING a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, said tract also being a portion of the 28.22 acre tract surveyed by Donald S. Peebles, R.P.S. No. 2437, 12/15/83 and being more particularly described as follows:

BEGINNING at an iron rod in the westerly line of Oates Drive (a 100' ROW) at its intersection with the northerly line of a proposed variable width right-of-way, said iron rod also being N 45 degrees 25' 14" E, 307.03 from an iron rod at the intersection with the westerly line of Oates Drive and the northerly line of 175' Dallas Power & Light Company right-of-way as recorded in Volume 5458, Page 221, and Volume 71071; Page 2023, Deed Records, Dallas County, Texas.

THENCE: N 47 degrees 24' 51" W, 19.16 feet to an iron rod in the northerly line of said proposed variable width right-of-way;

THENCE: along a tangent curve to the left and with the northerly line of said proposed right-of-way an arc length of 138.93 feet to an iron rod for corner, said curve having a central angle of 17 degrees 18' 59", a radius of 459.69 feet, a tangent length of 70.00 feet, a chord bearing of N 56 degrees 04' 20" W, and a chord length of 138.41 feet;

THENCE: with said northerly line of said proposed right-of-way N 64 degrees 43' 09" W, 376.13 feet to an iron rod for corner;

THENCE: N 27 degrees 37' 31" E, 276.80 feet to an iron rod for corner;

THENCE: along a nontangent curve to the right an arc length of 52.07 feet to an iron rod for corner, said curve having a central angle of 09 degrees 15' 57", a radius of 322.00 feet, a tangent length of 26.09 feet, a chord bearing of S 63 degrees 28' 14" E, and a chord length of 52.02 feet;

THENCE: S 58 degrees 50' 16" E, 560.54 feet to an iron rod in the westerly line of Oates Drive;

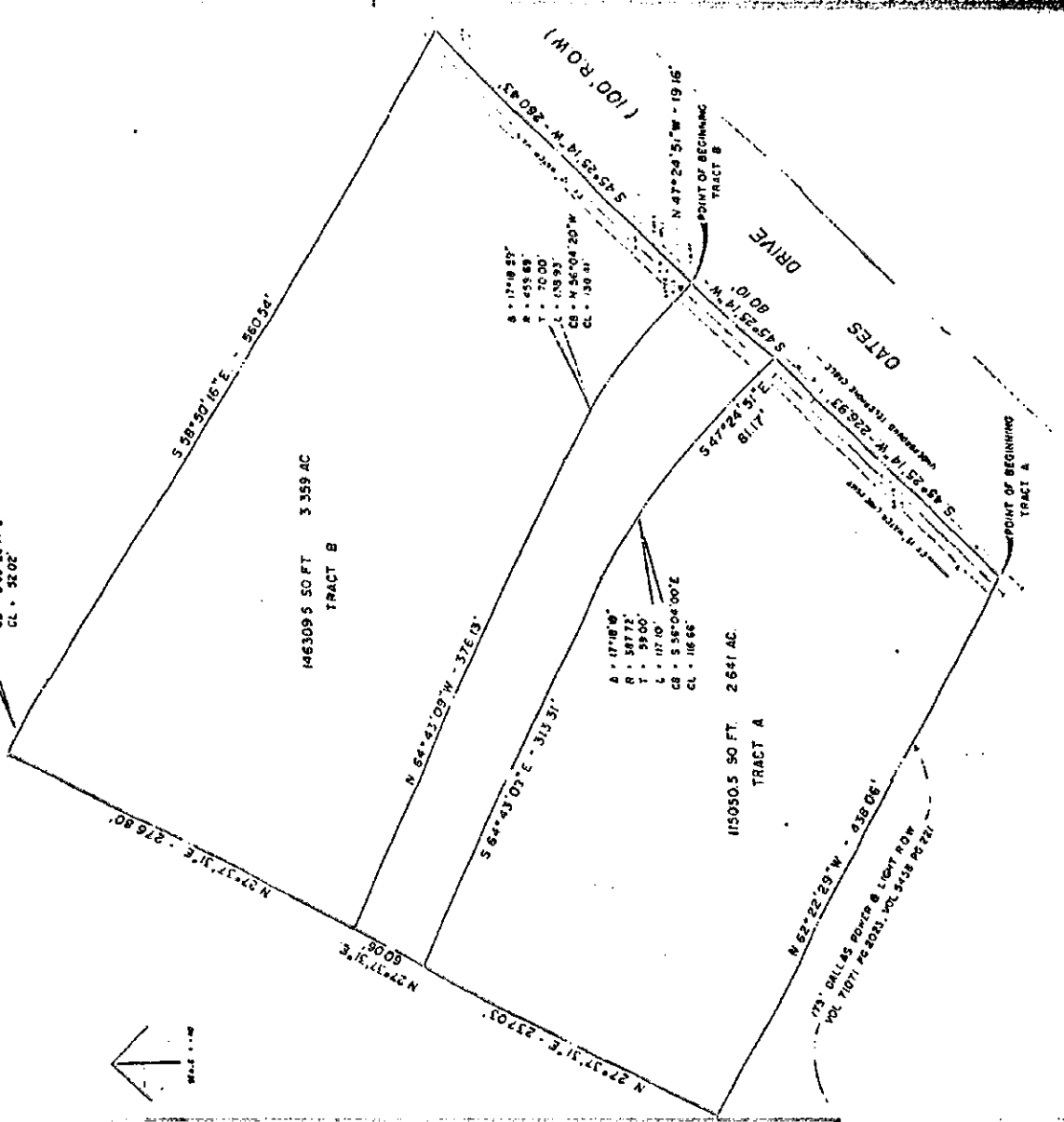
THENCE: with said westerly line of Oates Drive S 45 degrees 25' 14" W, 260.43 feet to the POINT OF BEGINNING and containing 3.359 acres (146309.5 square feet) of land.

11/21/76

TOP OF 100% AT NEWELL'S PLACEMENT ACCORDING TO
THE 2011 AND 2012 SURVEY DATA
BY NEWELL'S SURVEYING AND CONSULTING

A = 09°15'37"
R = 322.00'
L = 26.00'
T = 32.00'
CB = 545.2814'E
CL = 31.00'

A = 17°18'57"
R = 455.83'
L = 70.00'
T = 67.93'
CB = 545.0420'W
CL = 130.41'



N 27°37'31" E - 276.80'

N 27°37'31" E
60.06'

N 27°37'31" E - 237.03'

S 59°50'16" E - 550.26'

146309.5 50 FT 3.359 AC
TRACT B

N 64°43'09" W - 376.13'
S 64°43'09" E - 313.31'

119050.5 90 FT 2.641 AC
TRACT A

N 82°22'29" W - 438.06'
173' DALLAS POWER & LIGHT ROW
VOL. 11071 PG. 2023, VOL. 5458 PG. 124

DATES DRIVE
80.10' - 545.2214' W
POINT OF BEGINNING
TRACT B

POINT OF BEGINNING
TRACT A

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