

ORDINANCE NO. 2366
File No. 1095-26

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 OFFICE TO PLANNED DEVELOPMENT MULTIFAMILY AT 24 UNITS PER ACRE ON AN 8.6602 ACRE TRACT SOUTHEAST OF THE INDEPENDENCE DRIVE AND POTEET DRIVE 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 Office to Planned Development Multifamily at 24 units per acre on an 8.6602 acre tract southeast of the Independence Drive and Poteet Drive intersection; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

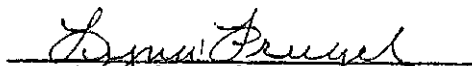
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 15th day of December A.D., 1986.



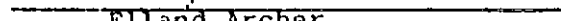
Mrs. Brunhilde Rystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynda Prugel
City Secretary



Elland Archer
City Attorney

FIELD NOTES

BEING a tract of land situated in the John T. Nelms Survey, Abstract No. 1095 and the J. Coats Survey, Abstract No. 339 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at an iron rod at the southwest corner of the intersection of Poteet Drive (60 ft. R.O.W.) and Galloway Avenue (100 ft. R.O.W.); Thence North 89°51'27" West along the south line of Poteet Drive a distance of 200.00 feet to an iron rod for the beginning of a circular curve to the left; Thence along said circular curve to the left having a central angle of 15°00'19", a radius of 640.00 ft., a tangent length of 84.29 ft., and an arc length of 167.61 ft. to an iron rod found for the POINT OF BEGINNING;

THENCE departing the south line of said Poteet Drive and said circular curve to the left South 20°26'05" East a distance of 400.32 ft. to an iron rod found for a corner;

THENCE South 00°08'33" West a distance of 4.54 ft. to an iron rod found for a corner;

THENCE North 89°51'27" West a distance of 115.00 ft. to an iron rod found for a corner;

THENCE South 56°38'33" West a distance of 738.78 ft. to an iron rod found for a corner;

THENCE North 89°35'32" West a distance of 270.72 ft. to an iron rod found in the east line of Independence Drive (50 ft. R.O.W.) for a corner;

THENCE North 00°09'15" East along the east line of said Independence Drive a distance of 125.00 ft. to an iron rod found for a corner and the beginning of a circular curve to the left;

THENCE along the east line of said Independence Drive and said circular curve to the left having a central angle of 19°35'45", a radius of 400.00 ft., a tangent length of 69.08 ft. and an arc length of 136.80 ft. to an iron rod found for a corner and end of said circular curve to the left and the beginning of a circular curve to the left; said corner also being the southeast corner of the intersection of Independence Drive (50 ft. R.O.W.) and Poteet Drive (60 ft. R.O.W.);

THENCE along the south line of said Poteet Drive and said circular curve to the left having a beginning tangent bearing of North 68°49'56" East, a central angle of 12°11'22", a radius of 700.00 ft., a tangent length of 74.74 ft. and an arc length of 148.92 ft. to an iron rod found for a corner and end of said circular curve to the left;

THENCE North 56°38'33" East along the south line of said Poteet Drive a distance of 677.18 ft. to an iron rod found for a corner and the beginning of a circular curve to the right;

THENCE along the south line of said Poteet Drive and said circular curve to the right with a central angle of 18°29'41", a radius of 640.00 ft., a tangent length of 104.20 ft. and an arc length of 206.59 ft. to the POINT OF BEGINNING and containing 8.6602 acres (377,238 Sq.Ft.) of land.

To any person, firm or corporation relying upon the accuracy of this survey or plat, I, David E. Pierson, Registered Public Surveyor, State of Texas, do certify that this plat represents measurements performed upon the ground under my supervision and indicates all set back lines, easements, and fences as they are visible on the ground, and that all improvements, if any, are wholly within the boundary lines of the property, and that there are no encroachments, conflicts, protrusions, or overlapping of improvements except as shown hereon. This is a true and correct survey.

June 1095-26



Registered Public Surveyor No. 2886
State of Texas

Date

