

ORDINANCE NO. 2386
File No. 814-6

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 (2103) DUPLEX TO PLANNED DEVELOPMENT SINGLE FAMILY FOR PATIO HOMES WITH CERTAIN STIPULATIONS; THE SUBJECT 2.2465 ACRE TRACT IS LOCATED WEST OF WILKINSON DRIVE BETWEEN AGNEW STREET AND PAZA 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 (2103) Duplex to Planned Development Single Family for Patio Homes with the following stipulations: 1) A minimum unit size of 1250 square feet; 2) Front entry homes with two-car garages, and 3) All other stipulations of Ordinance #2103 are carried forward. The subject 2.2465 acre tract is located west of Wilkinson Drive, between Agnew Street and Paza Drive; 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.

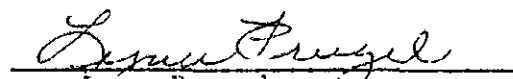
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 2nd day of February A.D., 1987.


Mrs. Brunhilde Nyström
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney

(a 60' R.O.W.)

AGNEW STREET

589°52'E

118.0'

CG281

Point of Beginning

EXHIBIT "A"

2.2465 AC. TRACT
OUT OF THE
W.J. LEWIS SURVEY, ABST.
NO. 814
CITY OF MESQUITE, TEXAS

Date: Jan. 8, 1987

Owner:

T. Warren, Inc.
PO Box 7731
Beaumont, Tex. 77706

Engineer:

Hersey & Associates, Inc.
8350 Meadow Road
Dallas, Texas 75231

NO°17'00"W 824.42'

BLOCK "A"

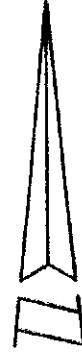
50°17'00"E 834.30'

WILKINSON (a 60' R.O.W.) DRIVE

118.48'

N85°05'W

PAZA (a 60' R.O.W.) DR.



Scale: 1"=100'

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EXHIBIT "B"
BOUNDARY DESCRIPTION

BEING a tract of land situated in the W.J. Lewis Survey, Abstract No. 814, in the City of Mesquite, Dallas County, Texas and being part of a 28.41 acre tract of land conveyed to Lillie F. Rupard and Hazel Rupard by Deed from C.D. Kimbell, et ux, recorded in Volume 1603, Page 367 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for a corner at the intersection of the West line of Wilkinson Drive (a 60' R.O.W) and the South line of Agnew Street (a 60' R.O.W.);

THENCE South $0^{\circ} 17' 00''$ East, along the said West line of Wilkinson Drive for a distance, of 834.30 feet to an iron rod found for a corner at the intersection of the said West line of Wilkinson Drive and the North line of Paza Drive (a 60' R.O.W.) ;

THENCE North $85^{\circ} 05' 00''$ West, along the said North line of Paza Drive for a distance of 118.48 feet to an iron rod found for a corner;

THENCE North $0^{\circ} 17' 00''$ West, departing from said North line of Paza Drive for a distance of 824.42 feet to an iron rod found for a corner in the said South line of Agnew Street;

THENCE South $89^{\circ} 52' 00''$ East, along the said South line of Agnew Street for a distance of 118.0 feet to the Point of Beginning and containing 2.2465 Acres or 97,858 Square Feet of land.

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