

ORDINANCE NO. 2450
File No. TWH-3B

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 COMMERCIAL TO PLANNED DEVELOPMENT COMMERCIAL DELETING ITEM #3 OF ORDINANCE #2067 WHICH STATES: "THE DEVELOPER MUST RELOCATE THE RAMPS ON I-30 BETWEEN NORTHWEST DRIVE AND NORTH GALLOWAY AVENUE AND TAKE RESPONSIBILITY FOR THE RECONSTRUCTION; THE RELOCATION MUST BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS"; AND ADDING THE STIPULATION THAT THE EAST-WEST COLLECTOR STREET KNOWN AS HUGHES PARKWAY BE CONSTRUCTED TO AUDUBON PARKWAY AND THE NORTH-SOUTH COLLECTOR KNOWN AS AUDUBON PARKWAY BE CONSTRUCTED TO I-30 BEFORE ANY CERTIFICATE OF OCCUPANCY BE ISSUED; THE SUBJECT 72.083 ACRE TRACT IS LOCATED NORTH AND EAST OF I-30 AND NORTH GALLOWAY AVENUE INTERSECTION, FRONTING THE NORTH SIDE OF I-30; 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 Commercial to Planned Development Commercial deleting Item #3 of Ordinance #2067 which states: "The developer must relocate the ramps on I-30 between Northwest Drive and North Galloway Avenue and take responsibility for the reconstruction; the relocation must be completed prior to the issuance of building permits"; and adding the stipulation that the east-west collector street known as Hughes Parkway be constructed to Audobon Parkway and the north-south collector known as Audobon Parkway be constructed to I-30 before any Certificate of Occupancy be issued. The subject 72.083 acre tract is located north and east of I-30 and North Galloway Avenue intersection, fronting the north side of I-30; 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.

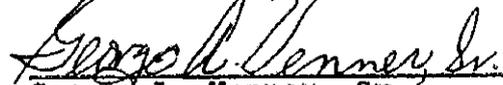
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same

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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.

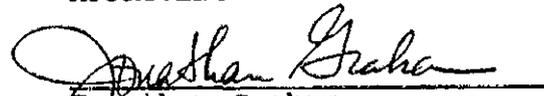
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 17th day of August, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Brugel
City Secretary

APPROVED:


Jonathan Graham
City Attorney

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LEGAL DESCRIPTION

Being a tract or parcel of land situated in the Theophilus Thomas Legous, Abstract No. 1461, Town of Mesquite, Dallas County, Texas; said tract of land also being part of Twin Hills Estates as added to the Town of Mesquite, as recorded in Volume 17, Page 351, Map Records of Dallas County, Texas; with more particularly described as follows:

BEGINNING at the intersection of the northeasterly right-of-way line of Galloway Avenue (100' R.O.W.) (Old Barnes Drive Road) with the east-northeasterly right-of-way line of Interstate Highway 30 (Variable Width, R.O.W. 110.5, Highway 67);

THENCE, N 40° 01' 07" E, along the northeasterly right-of-way line of said Galloway Avenue, a distance of 389.23 feet to an iron rod set for corner in the northwest line of said Twin Hills Estates;

THENCE, S 44° 58' 40" E, following the northeasterly right-of-way line of said Galloway Avenue, and along the northwest line of said Twin Hills Estates, a distance of 880.00 feet to an iron rod found for corner at the east-southerly corner of said Twin Hills Estates;

THENCE, S 45° 10' 28" E, following the northwest line of said Twin Hills Estates, and along the northwest line of said Twin Hills Estates, a distance of 1329.45 feet to an iron rod found for corner in the northeasterly right-of-way line of said Interstate Highway 30;

THENCE, S 80° 48' 42" W, along the northwest line of said Twin Hills Estates, and along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 260.84 feet to an iron rod found at the point of curvature of a curve to the right, having a central angle of 7° 07' 00", a radius of 127.00 feet, a tangent distance of 54.59 feet and a chord bearing and distance of S 48° 22' 12" W, 109.10 feet;

THENCE, continuing along the northeasterly right-of-way line of said Interstate Highway 30, with said curve to the right, an arc length of 100.03 feet to an iron rod found at the point of tangency of said curve;

THENCE, S 81° 55' 42" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 110.32 feet to an iron rod found at the point of curvature of a curve to the left, having a central angle of 08° 55' 00", a radius of 180.13 feet, a tangent distance of 45.45 feet, a chord bearing and distance of S 47° 28' 12" W, 89.96';

THENCE, continuing along the northeasterly right-of-way line of said Interstate Highway 30, with said curve to the left, an arc length of 50.91 feet to an iron rod found at the point of tangency of said curve;

THENCE, S 33° 00' 42" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 70.41 feet to an iron rod found at the point of curvature of a curve to the right, having a central angle of 17° 02' 00", a radius of 308.89 feet, a tangent distance of 46.26 feet, and a chord bearing and distance of S 41° 31' 42" W, 91.49 feet;

THENCE, continuing along the northeasterly right-of-way line of said Interstate Highway 30, with said curve to the right, an arc length of 91.83 feet to an iron rod found at the point of tangency of said curve;

THENCE, S 50° 02' 42" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 146.62 feet to an iron rod found at the point of curvature of a curve to the right, having a central angle of 04° 46' 00", a radius of 1176.30 feet, a tangent distance of 48.96 feet, a chord bearing and distance of S 52° 26' 42" W, 97.03 feet;

THENCE, continuing along the northeasterly right-of-way line of said Interstate Highway 30, with said curve to the right, an arc length of 87.86 feet to an iron rod found at the point of tangency of said curve;

THENCE, S 54° 48' 42" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 1802.96 feet to an iron rod found for corner;

THENCE, S 80° 52' 22" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 133.14 feet to an iron rod set for corner;

THENCE, S 80° 11' 54" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 78.93 feet to an iron rod set for corner;

THENCE, N 70° 43' 49" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 220.12 feet to an iron rod set for corner;

THENCE, S 84° 35' 10" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 28.93 feet to an iron rod set for corner;

THENCE, S 81° 55' 46" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 126.80 feet to an iron rod set for corner;

THENCE, S 67° 54' 00" W, continuing along the northeasterly right-of-way line of said Interstate Highway 30, a distance of 117.51 feet to the POINT OF BEGINNING AND CONTAINING 3,139,945 square feet or 72.083 acres of land, more or less.

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