

ORDINANCE NO. 2865
File No. 1501-8

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CHANGE OF ZONING FROM PLANNED DEVELOPMENT MULTIFAMILY AT 30 UNITS PER ACRE TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, 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 Multifamily at 30 units per acre to Planned Development General Retail District with the following stipulations:

1. The first restaurant site plan will address the issue of site access to Towne Crossing Boulevard and Driftwood Drive;
2. The site will be limited to the construction of four (4) restaurants.

The subject property is a 6.667 acre tract platted as Towne Crossing Addition, Block A, Lot 3B; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite Zoning Ordinance.


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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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 March, 1993.




Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

00197

PROJECT NO. 25
SPRINGFIELD LAND
MESQUITE, TEXAS

PROPERTY DESCRIPTION

BEING all of LOT 3B, BLOCK A, of A REPLAT OF TOWNE CROSSING ADDITION, BLOCK A, LOT 3, an addition in the City of Mesquite as recorded in Volume 84042, Page 2720, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found at the intersection of the West line of Towne Crossing Boulevard (a 60' ROW) and the North line of Driftwood Drive (a 60' ROW), point also being the Southeast corner of Lot 3B of said addition;

THENCE: S 83° 06' 42" W, 184.41 feet along the North ROW line of Driftwood Drive to an iron rod found at the beginning of a curve to the left having a central angle of 10° 19' 42", radius of 530.00 feet (chord bearing of S 77° 56' 51" W, 95.41 feet);

THENCE: Around said curve in a Westerly direction, along the North ROW line of Driftwood Drive an arc distance of 95.54 feet to an iron rod found at the end of said curve;

THENCE: S 72° 47' 00" W, 87.19 feet along the North ROW line of Driftwood Drive to an iron rod found at the Southwest corner of Lot 3B and the Southeast corner of Lot 3A of said addition;

THENCE: N 17° 40' 47" W, 701.36 feet along the common lot line of Lots 3A and 3B to an iron rod set at their common corner, said point being in the South line of Lot 2, Block A;

THENCE: N 72° 19' 13" E, 339.23 feet along the North line of Lot 3B and the South line of Lot 2 to an iron rod set in the Westerly ROW line of Towne Crossing Boulevard, said point also being the common corner of Lot 2 and Lot 3A in Block A, and in a curve to the right having a central angle of 44° 53' 47", radius of 560.00 feet (chord bearing of S 29° 20' 09" E, 427.66 feet);

THENCE: Around said curve in a Southerly direction and along the West ROW line of Towne Crossing Boulevard an arc distance of 438.31 feet to an iron rod found at the end of said curve;

THENCE: S 06° 53' 18" E, 332.99 feet along the West ROW line of Towne Crossing Boulevard to the PLACE OF BEGINNING and containing 290,558 square feet or 6.6703 acres of land.

SURVEYOR'S CERTIFICATION

CERTIFY TO: Resolution Trust Corporation
Safeco Land Title of Dallas
Chicago Title Insurance Company

The undersigned hereby certifies that: (a) this survey is true and correct, was made on the ground under my supervision as per the field notes showing the boundaries, lines and dimensions and area

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