

ORDINANCE NO. 2928

File No. 1462-210

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 TO PLANNED DEVELOPMENT - OFFICE, SUBJECT TO THE FOLLOWING CONDITIONS AND 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 to Planned Development - Office, subject to the following conditions and stipulations:

1. Permitted uses shall include:
 - a. All uses as permitted in the Office district; and
 - b. A golf course;
2. Development standards as set out for the Office district shall apply.
3. The approval of the Planned Development site plan for a golf course is delegated to the Staff.

The subject property is described as a 44.57 acre tract approximately 350 feet south of Gus Thomasson Road and North Mesquite 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repealed.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 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 18th day of October, 1993.



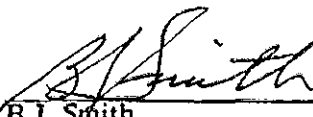
Cathye Ray
Mayor

ATTEST:

APPROVED: _____



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

FIELD NOTES

BEING all that tract of land in the City of Mesquite, Dallas County, Texas, and a part of the Daniel Turner Survey, A-1462, and a part of that called 95.19 acres conveyed to Henry S. Miller, Jr., Trustee by deed of record in Volume 69008, Page 1014, Dallas County Deed Records, and also that called 1.007 acres conveyed to Henry S. Miller, Jr., Trustee by deed of record in Volume 73061, Page 0852, Dallas County Deed Records, and being further described as follows:

BEGINNING at a point on the East line of Gus Thomasson Road (100' R.O.W.), said point bearing South 09 degrees 02 minutes 00 seconds East, 520.00 feet from the South line of North Mesquite Drive (60' R.O.W.), a 1/2 inch steel rod set for corner;

THENCE North 80 degrees 55 minutes 22 seconds East, 797.55 feet to a 1/2 inch steel rod set on the Southwest line of North Mesquite Drive;

THENCE South 44 degrees 08 minutes 20 seconds East, 70.00 feet along North Mesquite Drive to a point in South Mesquite Creek;

THENCE South 36 degrees 09 minutes 29 seconds West, 122.58 feet to a point in South Mesquite Creek;

THENCE South 09 degrees 18 minutes 34 seconds East, 900.00 feet to corner in South Mesquite Creek;

THENCE North 81 degrees 16 minutes 00 seconds East, 115.00 feet to a 1/2 inch steel rod set at the Northwest corner of Tract 3 of the Seeds Subdivision;

THENCE South 06 degrees 48 minutes 57 seconds East, 783.63 feet to a 1/2 inch steel rod found at the most Southerly corner of said Seeds Subdivision;

THENCE South 44 degrees 59 minutes 15 seconds West, 349.63 feet along the Southeast line of said 95.19 acres to the most Northerly corner of a called 1.007 acre tract conveyed to Henry S. Miller, Jr. by deed of record in Volume 73061, Page 0852, Dallas County Deed Records, a 1/2 inch steel rod set for corner;

THENCE South 03 degrees 13 minutes 00 seconds West, 326.43 feet to a 1/2 inch steel rod set for corner;

THENCE South 79 degrees 28 minutes 31 seconds West, 773.38 feet to a 1/2 inch steel rod set for corner;

THENCE along the East line of Gus Thomasson Road as follows:

North 05 degrees 00 minutes 00 seconds East, 884.88 feet to a 1/2 inch steel rod set at a Point of Curve;

Northwesterly, 581.69 feet along a curve to the left having a radius of 2374.95 feet (Chord bears North 02 degrees 01 minutes 00 seconds West, 580.24 feet) to a 1/2 inch steel rod set for corner;

North 09 degrees 02 minutes 00 seconds West, 936.84 feet to the Point of Beginning, containing 44.570 acres or 1,941,469 square feet of land.

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