

ORDINANCE NO. 3009
File No. 1462-213

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 AND COMMERCIAL TO A PLANNED DEVELOPMENT DISTRICT: MULTIFAMILY ON TRACT 1 AT 22 UNITS PER ACRE (508 UNITS MAXIMUM), DRAINAGE AND OPEN SPACE ON TRACTS 2 AND 3; AND COMMERCIAL ON TRACT 4; 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 and Commercial to a Planned Development District: Multifamily on Tract 1 at 22 units per acre (508 units maximum), drainage and open space on Tracts 2 and 3; and Commercial on Tract 4. The subject property is a 38.02 acre tract located north and west of the I-635 and U.S. Hwy. 80 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite Zoning Ordinance.

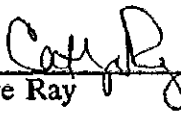
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

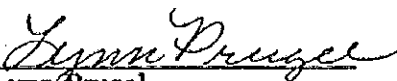
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of December, 1994.




Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

TRACT 1
MULTI-FAMILY ZONING
FIELD NOTE DESCRIPTION

BEING a 23.1631 acre tract of land situated in the Daniel Tanner League Survey, Abstract Number 1462, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for the southwest corner of a 1.7825 acre tract of land and being the southeast corner of Big Town Nursing Home, an addition to the City of Mesquite according to the plat recorded in Volume 74244, Page 553 (DRDCT) and being located in the northerly right-of-way line of State Highway No. 80 (a variable width right-of-way);

• THENCE departing the northerly right-of-way line of said State Highway No. 80 NORTH 02°05'10" WEST a distance of 396.98 feet to a 5/8 inch iron rod set for the northwest corner of said 1.7825 acre tract of land;

THENCE NORTH 05°33'33" EAST a distance of 150.73 feet to a 5/8 inch iron rod found for the northeast corner of said Big Town Nursing Home Addition;

THENCE NORTH 62°01'58" WEST a distance of 443.67 feet to a 5/8 inch iron rod set for the northwest corner of said Big Town Nursing Home Addition and being the northeast corner of a 7.953 acre tract of land described in a deed recorded in Volume 91032, Page 2173 (DRDCT);

THENCE along the northeast line of said 7.953 acre tract of land, NORTH 62°08'04" WEST a distance of 208.04 feet to a 5/8 inch iron rod set for the northeast corner of the Cramer Addition, an addition to the City of Mesquite according to the plat recorded in Volume 73131, Page 129 (DRDCT);

THENCE along the northeast line of said Cramer Addition, NORTH 62°12'41" WEST a distance of 466.26 feet to a 5/8 inch iron rod set in the southeasterly line of a tract of land conveyed to Dallas Power & Light Company;

THENCE along the southeasterly line of said Dallas Power & Light Co. tract of land as follows:

NORTH 44°43'20" EAST a distance of 973.48 feet to a 5/8 inch iron rod set for corner;

NORTH 74°47'23" EAST a distance of 281.85 feet to a a point for corner;

• THENCE SOUTH 7°02'08" EAST a distance of 489.46 feet to a point for corner;

THENCE SOUTH 8°10'09" EAST a distance of 20.97 feet to a point for corner;

THENCE SOUTH 9°15'12" EAST a distance of 427.56 feet to the beginning of a curve to the left;

THENCE with the curve to the left having a radius of 530.00 feet and central angle of 29°35'23", through an arc length of 273.71 feet;

THENCE SOUTH 38°53'30" EAST a distance of 356.00 feet to the beginning of a curve to the left;

THENCE with the curve to the left having a radius of 2120.00 feet and central angle of 3°45'00", through an arc length of 138.75 feet;

THENCE SOUTH 42°38'30" EAST a distance of 34.64 feet to the said northerly right-of-way of said State Highway No. 80;

THENCE along the northerly right-of-way line of said State Highway No. 80 as follows:

SOUTH 64°27'26" WEST a distance of 267.57 feet to a 3/8 inch iron rod set for corner;

THENCE 64°27'26" WEST a distance of 315.73 feet to a point for corner;

SOUTH 89°19'46" WEST a distance of 22.74 feet to the POINT OF BEGINNING and containing 23.1631 acres of land more or less.

TRACT 2
PARK ZONING
FIELD NOTE DESCRIPTION

BEING a 8.9647 acre tract of land situated in the Daniel Tanner League Survey, Abstract Number 1462, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for the southwest corner of a 1.7825 acre tract of land and being the southeast corner of Big Town Nursing Home, an addition to the City of Mesquite according to the plat recorded in Volume 74244, Page 553 (DRDCT) and being located in the northerly right-of-way line of State Highway No. 80 (a variable width right-of-way);

THENCE along said right-of-way as follows:

THENCE NORTH 89°19'46" EAST a distance of 22.74 feet to a point for corner;

THENCE NORTH 64°27'26" EAST a distance of 315.73 feet to a point for corner;

THENCE NORTH 64°26'25" EAST a distance of 267.57 feet to the POINT OF BEGINNING;

THENCE NORTH 42°38'30" WEST a distance of 34.64 feet to the beginning of a curve to the right;

THENCE with the curve to the right having a radius of 2120.00 feet and central angle of 3°45'00", through an arc length of 138.75 feet;

THENCE NORTH 38°53'30" WEST a distance of 356.00 feet to the beginning of a curve to the right;

THENCE with the curve to the right having a radius of 530.00 feet and central angle of 29°35'23", through an arc length of 273.71 feet;

THENCE NORTH 9°15'12" WEST a distance of 427.56 feet to a point for corner;

THENCE NORTH 8°10'09" WEST a distance of 20.97 feet to a point for corner;

THENCE NORTH 7°02'08" WEST a distance of 489.46 feet to a point in the southeasterly line of a tract conveyed to Dallas Power & Light Company;

THENCE SOUTH 13°16'32" EAST a distance of 697.4 feet to a point for corner;

THENCE SOUTH 9°18'09" EAST a distance of 259.66 feet to the beginning of a curve to the left;

THENCE with the curve to the left having a radius of 290.00 feet and central angle of 29°35'23", through an arc length of 149.77 feet;

THENCE SOUTH 38°53'30" EAST a distance of 356.00 feet to the beginning of a curve to the left;

THENCE with the curve to the left having a radius of 1880.00 feet and central angle of 3°45'00", through an arc length of 123.04 feet;

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EXHIBIT "A"
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THENCE SOUTH 42°38'30" EAST a distance of 108.39 feet to the northerly right-of-way line of said State Highway No. 80;

THENCE with said right-of-way line SOUTH 64°26'25" WEST a distance of 251.08 feet to the POINT OF BEGINNING and containing 8.9647 acres of land more or less.

TRACT 3
PARK ZONING
FIELD NOTE DESCRIPTION

BEING a 2.3259 acre tract of land situated in the Daniel Tanner League Survey, Abstract Number 1462, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner located in the northerly line of a 125 feet wide Dallas Power & Light Company easement;

THENCE NORTH 46°22'03" EAST a distance of 93.74 feet to a point for corner;

THENCE NORTH 22°02'27" WEST a distance of 205.80 feet to a point for corner;

THENCE NORTH 44°50'27" EAST a distance of 361.15 feet to a point for corner;

THENCE SOUTH 16°31'38" EAST a distance of 210.56 feet to a point for corner;

THENCE SOUTH 4°27'23" EAST a distance of 222.23 feet to a point in the northerly line of said Dallas Power & Light Co. tract of land;

THENCE along the northerly line of said Dallas Power & Light Co. tract of land SOUTH 74°47'23" WEST a distance of 334.25 feet to the POINT OF BEGINNING and containing 2.3259 acres of land more or less.

TRACT 4
COMMERCIAL ZONING
FIELD NOTE DESCRIPTION

BEING a 3.5669 acre tract of land situated in the Daniel Tanner League Survey, Abstract Number 1462, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a point for corner located in the northerly line of a 125 feet wide Dallas Power & Light Company easement;

THENCE NORTH $46^{\circ}22'03''$ EAST a distance of 93.74 feet to a point for corner;

THENCE NORTH $22^{\circ}02'27''$ WEST a distance of 205.80 feet to a point for corner;

THENCE NORTH $44^{\circ}50'27''$ EAST a distance of 361.15 feet to the POINT OF BEGINNING;

THENCE NORTH $44^{\circ}50'27''$ EAST a distance of 181.01 feet to a point for corner;

THENCE SOUTH $45^{\circ}16'12''$ EAST a distance of 541.08 feet to a point for corner;

THENCE SOUTH $44^{\circ}25'38''$ EAST a distance of 54.04 feet to a point in the northerly line of said Dallas Power & Light Co. tract of land;

THENCE along the northerly line of said Dallas Power & Light Co. tract of land SOUTH $45^{\circ}00'43''$ WEST a distance of 8.40 feet to a point for corner;

THENCE SOUTH $74^{\circ}47'23''$ WEST a distance of 483.58 feet to a point for corner

THENCE NORTH $4^{\circ}27'23''$ WEST a distance of 222.23 feet to a point for corner;

THENCE NORTH $16^{\circ}31'38''$ WEST a distance of 210.56 feet to the POINT OF BEGINNING and containing 3.5669 acres of land more or less.