

ORDINANCE NO. 3078

File No. 1-21

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 APPROVE A CHANGE OF ZONING FROM PLANNED DEVELOPMENT TOWNHOUSE-DUPLEX TO R-3 RESIDENTIAL; 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 approve a change of zoning from Planned Development Townhouse-Duplex to R-3 Residential. The subject 26.5 acre tract is located northeast of the Riverview Drive and Faithon P. Lucas, Sr. Boulevard intersection; City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

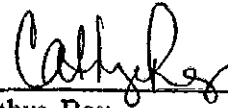
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 February, 1996.



Cathye Ray
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

TITLE RESOURCES GUARANTY COMPANY

00263

EXHIBIT A

BEING a tract of land situated in the J. P. ANDERSON SURVEY, ABSTRACT NO. 1, City of Mesquite, DALLAS County, Texas, and being part of a tract of land conveyed by deed to Willard R. Baker as recorded in Volume 83218, Page 0434, Deed Records of DALLAS County, Texas, and being part of a tract conveyed by Substitute Trustee's Deed to Guaranty Federal Savings Bank as recorded in Volume 90110, Page 3371-3405, Deed Records of DALLAS County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the intersection of the Northeast line of Cartwright Road (60 foot right of way) and the Northwest line of Faithon P. Lucas, Sr. Blvd. (100 foot right of way);

THENCE North 45 degrees 44 minutes 09 seconds East, along the Northwest line of said Faithon P. Lucas, Sr. Blvd., a distance of 1,114.00 feet to the point of beginning, said point of beginning also being the most Easterly corner of Creek Crossing Estates No. 7 Addition, an addition to the City of Mesquite, Texas, as recorded in Volume 87164, Page 1716, of the Deed Records of DALLAS County, Texas;

THENCE North 44 degrees 01 minute 33 seconds West, departing the Northwest line of Faithon P. Lucas Sr. Blvd. and along the Northeast line of said Creek Crossing Addition, a distance of 723.14 feet to a 1/2 inch iron rod found for a corner; said corner being the point of curvature of a tangent curve to the right; said curve to the right having a radius of 50.00 feet and a central angle of 62 degrees 02 minutes 27 seconds;

THENCE along said curve to the right, an arc length of 54.14 feet to a 1/2 inch iron rod found for corner;

THENCE North 18 degrees, 00 minutes, 54 seconds East, a distance of 1,225.28 feet to a 1/2 inch iron rod set for corner;

THENCE along the meandering of North Mesquite Creek, the following bearings and distances to 1/2 inch iron rods set for corners;

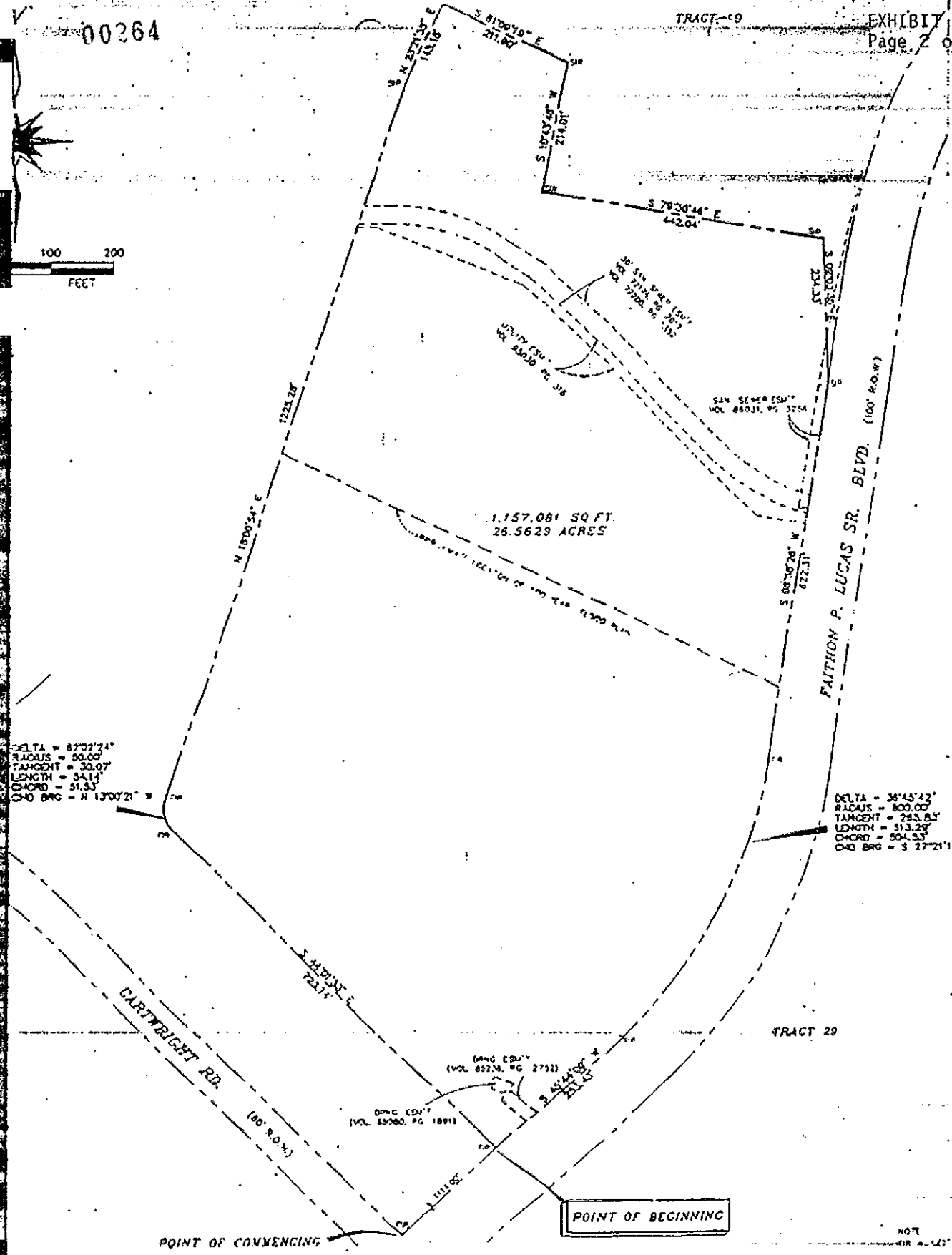
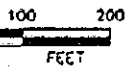
- North 23 degrees, 21 minutes, 35 seconds East, 143.18 feet;
- South 61 degrees, 09 minutes, 19 seconds East, 211.90 feet;
- South 10 degrees, 43 minutes, 46 seconds West, 214.01 feet;
- South 79 degrees, 30 minutes, 46 seconds East, 442.04 feet;
- South 02 degrees, 03 minutes, 35 seconds East, 234.33 feet;

THENCE South 08 degrees, 58 minutes, 26 seconds West, leaving the meandering of North Mesquite Creek and along the West right of way line of Faithon P. Lucas, Sr. Blvd., a distance of 622.31 feet to a 1/2 inch iron rod found for the beginning of a circular curve to the right, said curve having a radius of 800 feet and a central angle of 36 degrees, 45 minutes, 42 seconds;

THENCE along said circular curve to the right, and the West line of Faithon P. Lucas, Sr. Blvd., an arc length of 513.29 feet to a 1/2 inch iron rod found for corner;

THENCE South 45 degrees, 44 minutes, 09 seconds West, along the West line of Faithon P. Lucas, Sr. Blvd., a distance of 253.43 feet to the POINT OF BEGINNING AND CONTAINING 26.5629 acres (1,157,081 square feet) of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity



1,157,081 SQ. FT.
26.5629 ACRES

DELTA = 87°02'24"
RADIUS = 50.00'
TANGENT = 30.07'
LENGTH = 54.14'
CHORD = 51.53'
C/O B/C = N 13°00'21" W

DELTA = 36°45'42"
RADIUS = 500.00'
TANGENT = 253.85'
LENGTH = 513.28'
CHORD = 504.53'
C/O B/C = S 27°21'17" W

DANC EDU*
(VOL. 83080, PG. 1891)

DANC EDU*
(VOL. 85210, PG. 2732)

POINT OF BEGINNING

POINT OF COMMENCING

TRACT 29

CARTWRIGHT RD.
(80' R.O.W.)

FAITHON P. LUCAS SR. BLVD.
(100' R.O.W.)

SAN SEME EDU*
(VOL. 85031, PG. 3254)

30' SAN SEME EDU*
(VOL. 85031, PG. 3254)

30' SAN SEME EDU*
(VOL. 85031, PG. 3254)

N 27°15' E
143.12

S 81°00'18" E
211.00

N 49°52'40" S
107.12

S 70°30'44" E
42.04

N 19°00'54" E
1221.28

S 08°40'28" W
822.31

S 28°00'00" S
35.00

S 44°40' S
111.82