

ORDINANCE NO. 3130
File No. 1461-116

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-COMMERCIAL, PLANNED DEVELOPMENT-LIGHT COMMERCIAL, AND PLANNED DEVELOPMENT-MULTIFAMILY TO LIGHT COMMERCIAL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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-Commercial, Planned Development-Light Commercial, and Planned Development-Multifamily to Light Commercial. The subject 57.508 acre tract is north of and adjacent to the intersection of Republic Parkway and Audubon Parkway; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

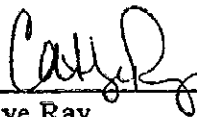
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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.

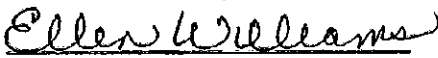
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of December, 1996.



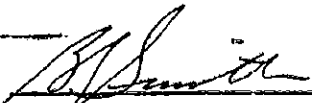
Cathye Ray
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

Legal Description

BEING a 57.508 acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, and being a portion of a tract of land known as Tract 4 conveyed to Audubon Partners, LTD., according to the deed recorded in Volume 94033, Page 2414, Deed Records, Dallas County, Texas, and being all of a tract of land conveyed to Warner C. Lusardi according to the deed recorded in Volume 93243, Page 5237, Deed Records, Dallas County, Texas, and being a portion of Right-of-Way dedicated for Audubon Parkway according to the deed recorded in Volume 88248, Page 3828, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1" iron rod found on the southerly line of Northwest Drive (100 foot ROW), said point being N 30°44'03" W, 199.13 feet from the point of intersection of the southeasterly line of Northwest Drive with the northwesterly line of Interstate Highway No. 30 (variable width ROW), said 1" iron rod also being the most northerly corner of PRAIRIE HILL RETAIL ADDITION, as recorded in Volume 88121, Page 1499, Deed Records of Dallas County, Texas, and being more particularly described as follows:

THENCE S 59°15'57" W, 200.00 feet along the northwesterly line of said addition to a 1/2" iron rod found;

THENCE S 30°44'03" E, 202.31 feet along the southerly line of the said addition to a 1/2" iron rod found, being in the northwesterly line of Interstate Highway No. 30, also being the beginning of a non-tangent curve concave to the southeast whose radius is 11,773.93 feet and whose longchord bears S 57°07'09" W, 308.04 feet;

THENCE along said northwesterly line and along said curve through a central angle of 01°29'57", an arc length of 308.05 feet to a 1/2" iron rod found, being the POINT OF BEGINNING of the tract herein described, said point being the southerly line of a 175.00 foot wide D.P. & L. Right-of-Way as recorded in Volume 5458, Page 216 and Volume 71063, Page 0567, said Deed Records, said point being the beginning of a curve concave to the southeast whose radius is 11,773.93 feet and whose longchord bears S 55°37'10" W, 308.34 feet;

THENCE along said northwesterly line and along said curve through a central angle of 01°30'02", an arc length of 308.35 feet to a 1/2" iron rod set, being the end of a said curve;

THENCE S 56°25'35" W, 33.71 feet along said northwesterly line to a 1/2" iron rod set, being the easterly corner of a tract of land described in Deed to Mike Bieler and S.A. Bieler, recorded in Volume 82234, Page 2565, Deed Records of Dallas County, Texas;

THENCE N 58°53'17" W, 473.93 feet to the northerly corner of said Bieler tract to a 1/2" iron rod found;

THENCE S 34°34'12" W, 261.19 feet to a 1/2" iron rod set in the most northerly Right-of-Way line of Audubon Parkway (60 foot ROW) as recorded in Volume 88248, Page 3828, Deed Records of Dallas County, Texas;

THENCE N 55°17'27" W, 350.03 feet along the said most northerly line to a 1/2" iron rod set;

THENCE S 34°46'57" W, 60.00 feet to a 1/2" iron rod set at the southwest Right-of-Way corner of the intersection of said Audubon Parkway and Republic Drive (80 foot ROW) as recorded in Volume 88248, Page 3828, Deed Records, Dallas County, Texas;

THENCE S 34°46'57" W, 19.32 feet along the most northwesterly Right-of-Way line of Republic Drive to a 1/2" iron rod set, said iron rod also being the beginning of a curve concave to the northwest whose radius is 810.00 feet and whose longchord bears S 66°32'48" W, 854.57 feet;

THENCE along said northwesterly line and along said curve through a central angle of 63°40'31" an arc length of 900.19 feet to a 1/2" iron rod set, being the end of said curve and also being the beginning of a curve concave to the southeast whose radius is 890.00 feet and whose longchord bears S 71°40'20" W, 800.13 feet;

THENCE along said northwesterly line and along said curve through a central angle of 53°25'28" an arc length of 829.86 feet to a 1/2" iron rod set, being the end of said curve;

THENCE S 44°57'36" W, 87.47 feet along said northwesterly line, to a 1/2" iron rod found, lying in the most northeasterly line of the Christian College Addition as recorded in Volume 77151, Page 2696, Deed Records of Dallas County, Texas;

THENCE N 08°43'00" E, 321.15 feet along the northeasterly line of said Christian College Addition, to a 1/2" iron rod found;

THENCE N 08°43'00" E, 200.52 feet to a point;

THENCE N 00°59'12" W, 708.57 feet to a 1/2" iron rod found, said iron rod also lying in the northeasterly line of said Christian College Addition;

THENCE N 02°39'30" W, 132.16 feet along said northeasterly line, to a 1/2" iron rod found;

THENCE N 01°38'30" W, 312.70 feet to a point;

THENCE N 18°06'38" E, 370.40 feet to a point lying in the southerly line of aforesaid 175.00 foot wide D.P. & L. Right-of-Way;

THENCE S 62°50'01" E, 2931.29 feet along said southerly line, to the POINT OF BEGINNING of this legal description containing 57.508 acres of land, more or less.

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