

ORDINANCE NO. 3131
File No. 1461-117

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-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-Multifamily to Light Commercial. The subject 38.038 acre tract described as Tracts 1 and 2 is located north of the Northwest Drive and U.S. Highway 67 Frontage Road; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

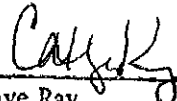
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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

DESCRIPTION OF DALLAS POWER & LIGHT TRACT

DESCRIPTION, of a 10.016 acre tract out of the T. Thomas Survey, Abstract No. 1460, Dallas County, Texas; said tract being part of that same tract as described in deed to Dallas Power and Light Company, recorded in Volume 5458, Pages 216 & 218 and Volume 71063, Pages 562 & 567 of the Deed Records, Dallas County, Texas; said 10.016 acre tract being more particularly described as follows:

COMMENCING, at a 1/2-inch iron rod found at the intersection of the southerly line of Northwest Drive (a 100 foot wide right-of-way) and the northwesterly line of Interstate Highway 30 (a variable width right-of-way); said point being the most easterly corner of Lot 1, Block 1 of the Prairie Hill Retail Addition, an addition to the City of Mesquite as recorded in Volume 88121, Page 1499 of the Deed Records, Dallas County, Texas; said point being the beginning of a curve to the left whose center bears South 31 degrees, 09 minutes, 29 seconds East, a distance of 11,773.93 feet from this point;

THENCE, southwesterly along said northwest line and along said curve to the left through a central angle of 01 degrees, 29 minutes, 32 seconds, passing at an arc distance of 200.04 feet a 1/2-inch iron rod found at the southwest corner of said Prairie Hill Retail Addition, in all an arc distance of 306.63 feet to a 1/2-inch iron rod found for corner; said point being the southeast corner of a 125 foot wide strip of land as described in deed to Dallas Power and Light, recorded in Volume 5458, Page 216 of the Deed Records, Dallas County, Texas;

THENCE, North 62 degrees, 50 minutes, 01 seconds West, along the northeast line of said Dallas Power and Light tract, a distance of 736.90 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set; said point being the POINT OF BEGINNING;

THENCE, South 27 degrees, 09 minutes, 59 seconds West, departing said northeast line, a distance of 175.00 feet to a point in the southwest line of a 50 foot wide tract as described to Dallas Power and Light tract recorded in Volume 71063, Page 567 of the Deed Records of Dallas County;

HENCE, North 62 degrees, 50 minutes, 01 seconds West, along said southwest line of said Dallas Power and Light tract, passing at 881.04 feet the northwest corner of said Dallas Power and Light tract recorded in Volume 71063, Page 567 of the Deed Records of Dallas County and the southwest corner of a 50 wide tract as described in deed to Dallas Power and Light recorded in Volume 71063, Page 562 of the Deed Records of Dallas County, Texas; and continuing with the northeast line of said tract, in all, a distance of 2520.94 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found; said point being the most easterly southeast corner of the Dallas Christian School Addition, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 94163, Page 2553 of the Deed Records of Dallas County, Texas;

THENCE, North 44 degrees, 52 minutes, 00 seconds East, departing said southwest line, a distance of 183.70 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found in the northeast line of a 175 foot wide tract as described in deed to Dallas Power and Light tract recorded in Volume 5458, Page 218 of the Deed Records of Dallas County

THENCE, South 62 degrees, 50 minutes, 01 seconds East, along said northeast line of said Dallas Power and Light tract, passing at 1646.31 feet the southeast corner of said Dallas Power and Light tract recorded in Volume 5458, Page 218 of the Deed Records of Dallas County and the northeast corner of a 125 wide tract as described in deed to Dallas Power and Light recorded in Volume 5458, Page 216 of the Deed Records of Dallas County, Texas; and continuing with the northeast line of said tract, in all, a distance of 2465.09 feet to POINT OF BEGINNING;

CONTAINING, 36,278 square feet or 10.016 acres of land, more or less.

DESCRIPTION OF PROPERTY SURVEYED

DESCRIPTION, of a 28.022 acre tract out of the T. Thomas Survey, Abstract No. 1460, Dallas County, Texas; said tract being part of Tract 3 as described in deed to Audubon Partners, recorded in Volume 94033, Page 2414 of the Deed Records, Dallas County, Texas; said 28.022 acre tract being more particularly described as follows:

COMMENCING, at a 1/2-inch iron rod found at the intersection of the southerly line of Northwest Drive (a 100 foot wide right-of-way) and the northwesterly line of Interstate Highway 30 (a variable width right-of-way); said point being the most easterly corner of Lot 1, Block 1 of the Prairie Hill Retail Addition, an addition to then City of Mesquite as recorded in Volume 88121, Page 1499 of the Deed Records, Dallas County, Texas; said point being the beginning of a curve to the left whose center bears South 31 degrees, 09 minutes, 29 seconds East, a distance of 11,773.93 feet from this point;

THENCE, southwesterly along said northwest line and along said curve to the left through a central angle of 01 degrees, 29 minutes, 32 seconds, passing at an arc distance of 200.04 feet a 1/2-inch iron rod found at the southwest corner of said Prairie Hill Retail Addition, in all an arc distance of 306.63 feet to a 1/2-inch iron rod found for corner; said point being the southeast corner of a 125 foot wide strip of land as described in deed to Texas Power and Light, recorded in Volume 5458, Page 216 of the Deed Records, Dallas County, Texas;

THENCE, North 62 degrees, 50 minutes, 01 seconds West, along the northeast line of said Dallas Power and Light tract, a distance of 736.90 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set; said point being the POINT OF BEGINNING;

THENCE, North 62 degrees, 50 minutes, 01 seconds West, continuing along said northeast line of said Texas Power and Light tract, passing at 818.78 feet the northeast corner of said tract and the southeast corner of a 125 wide tract as described in deed to Texas Power and Light recorded in Volume 5458, Page 218 of the Deed Records of Dallas County, Texas; and continuing with the northeast line of said tract, in all , a distance of 2465.09 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found;

THENCE, North 45 degrees, 11 minutes, 14 seconds East, a distance of 651.52 feet to a 1/2-inch iron rod found; said point being in said southerly line of Northwest Drive;

THENCE, southeasterly with said southern line of Northwest Drive the following 5 courses and distances;

South 55 degrees, 52 minutes, 03 seconds East, a distance of 1497.74 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found; said point being the beginning of a curve to the left whose center bears North 34 degrees, 07 minutes 57 seconds East; a distance of 628.44 feet from said point;

Southeasterly, along said curve to the left, through a central angle of 19 degrees, 37 minutes, 00 seconds East, an arc distance of 215.16 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found;

South 75 degrees, 29 minutes, 03 seconds East, a distance of 125.00 feet to 1/2-inch iron rod with "Pacheco Koch" cap found; said point being the beginning of a curve to the right whose center bears South 14 degrees, 30 minutes, 57 seconds West, a distance of 96.06 feet from said point;

Southeasterly along said curve to the right, through a central angle of 09 degrees, 00 minutes, 00 seconds, an arc distance of 191.73 feet to a cut "+" found;

South 66 degrees, 29 minutes, 03 seconds East, a distance of 253.85 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set;

THENCE, South 27 degrees, 22 minutes, 36 seconds West, departing said southerly line of Northwest Drive, a distance of 519.23 feet to the POINT OF BEGINNING;

CONTAINING, 1,220,640 square feet or 28.022 acres of land, more or less.

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