

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 IN ZONING FROM R-1 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT R-1 SINGLE FAMILY RESIDENTIAL, SUBJECT TO CERTAIN CONDITIONS; 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 changes 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 in zoning from R-1 Single Family Residential to Planned Development R-1 Single Family Residential, subject to the following conditions:

1. All uses permitted in the R-1 Single Family District are permitted.
2. A private club is permitted in conjunction with a golf course under the following conditions:
  - a) The sale of alcohol is limited to golf course hours;
  - b) Beer and wine sales only are permitted, no liquor shall be allowed;
  - c) Only single serving sales are permitted; i.e., no packages or closed containers;
  - d) Sales are limited to golf course patrons, including non-golfing guests;
  - e) Sales are permitted from behind the counter in the snack bar area and from beverage carts; and
  - f) Sales are permitted at special events in the tournament pavilion.

The subject 154.52 acre tract is located at 825 U.S. Highway 67, 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.

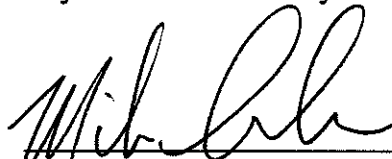
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.


SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be 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 21st day of September, 1998.

  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Ellen Williams  
City Secretary

APPROVED:  
  
\_\_\_\_\_  
B.J. Smith  
City Attorney

BEING a tract of land situated in the Theophalus Thomas League, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being out of the C. C. Oates 393.66 acre tract as recorded in Volume 666, Page 336 Dallas County Deed Records, and also being out of the 313.66 acre Bird Armstrong tract as recorded in Volume 664, Page 611 Dallas County Deed Records and being more particularly described as follows:

BEGINNING at a point on the southeasterly line of said C. C. Oates tract, said point being the point at which the southeasterly line of said Oates property intersects the northwesterly line of U.S. Highway No. 67, a Bois-d-arc post found in place for corner;

THENCE S64°14'W, with the northwesterly line of said U.S. Highway No. 67 132.92' to an iron stake set for corner;

THENCE N25°45'W, 773.62' to an iron stake set for corner;

THENCE S80°15'W, 463.86' to an iron stake set for corner;

THENCE S87°49'W, 1409.05' to an iron stake set for corner;

THENCE N55°43'W, 1450.65' to a point in the northwesterly line of a 313.66 acre Bird Armstrong tract as recorded in Volume 664, Page 611 Dallas County Deed Records, an iron stake set for corner;

THENCE N44°52'E, with the northwesterly line of said Bird Armstrong tract 745.07' to an iron stake set for corner;

THENCE S81°56'E, 451.50' to an iron stake set for corner;

THENCE S69°33'E, 506.30' to an iron stake set for corner;

THENCE N43°08'E, 472.90' to an iron stake set for corner;

THENCE N89°58'E, 642.35' to an iron stake set for corner;

THENCE N88°10'E, 445.90' to an iron stake set for corner;

THENCE S89°57'E, 1717.15' to an iron stake set for corner;

THENCE N23°46'E, 541.90' to an iron stake set for corner;

THENCE N29°33'W, 716.90' to an iron stake set for corner;

THENCE N41°11'E, 493.45' to a point on the northeasterly line of the T. Thomas League, an iron stake set for corner;

THENCE S41°48'E, with the northeasterly line of said T. Thomas League 538.63', to an iron stake set for corner, said point being the corner of a 3.69 acre tract owned by John Rogstad;

THENCE S74°21'W, with a northerly line of the Rogstad 3.69 acre tract 184.40' to a point in the center of Duck Creek;

THENCE with the meanderings of Duck Creek and along the westerly line of the John Rogstad 3.69 acre tract as follows:

S66°53'E, 198.00' to a point for corner;

S15°58'E, 214.30' to a point for corner;

S56°22'E, 87.00' to a point for corner;

S20°24'E, 101.00' to a point for corner;

S7°19'W, 215.10' to a point for corner;

S50°15'E, 225.00' to a point for corner, said point being on the southeasterly line of the aforementioned C. C. Oates property;

THENCE S40°36'W, with the southeasterly line of said Oates property 1364.60' to an iron stake set for corner;

THENCE S40°20'W, and continuing along the southeasterly line of said Oates property 733.90' to an iron stake set for corner;

THENCE S41°32'W, along the southeasterly line of said Oates property 842.20' to the place of beginning and containing 154.52 acres of land.

I hereby certify that I prepared this map from an actual and accurate survey of the land under my personal supervision and to the best of my ability, and is subject to any easements, Rights-of-Ways, encroachments or conflicts not visible on the ground.



*C. L. Moon*

C. L. Moon, Registered  
Professional Engineer

July 15, 1963