

ORDINANCE NO. 3443

File No. 1-33

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 AGRICULTURE TO R-1A SINGLE FAMILY; 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 of zoning from Agriculture to R-1A Single Family.

The subject property is a 15.9-acre tract located northeast of the Tealwood subdivision and southwest of the Valley Creek Phase III subdivision, and is more fully described in the approved field notes 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 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. That 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.

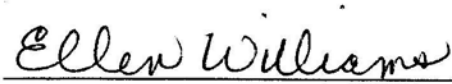
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of September, 2001.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

LEGAL DESCRIPTION

EXHIBIT "A"
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BEING all that certain lot, tract or parcel of land located in the JOHN P. ANDERSON SURVEY, ABSTRACT NO 1, Mesquite, Dallas County, Texas and being a part of a tract of land described as Tract 5 in Deed recorded in Volume 87067, Page 4013, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the East corner of Tealwood Phase 1, an Addition to the City of Mesquite, Dallas County, Texas, according to the Plat thereof recorded in Volume 87149, Page 1210, Map Records, Dallas County, Texas, said point being in the Southwest line of said Tract 5 and the Northeast line of a tract of land described in Deed to M&M Joint Venture, recorded in Volume 98101, Page 7011, Deed Records, Dallas County, Texas;

THENCE South 67 deg. 58 min. 55 sec. East, along the Southwest line of said Tract 5 and the Northeast line of said M&M Joint Venture tract, a distance of 313.44 feet to a 1/2 inch iron rod found for corner at the POINT OF BEGINNING of the tract herein described;

THENCE North 45 deg. 03 min. 05 sec. East, a distance of 510.19 feet to a point for corner;

THENCE South 30 deg. 44 min. 50 sec. East, a distance of 379.32 feet to a point for corner;

THENCE South 52 deg. 54 min. 48 sec. East, a distance of 807.77 feet to a point for corner;

THENCE South 67 deg. 58 min. 55 sec. East, a distance of 400.00 feet to a point for corner;

THENCE North 88 deg. 33 min. 46 sec. East, a distance of 1055.19 feet to a point for corner;

THENCE South 34 deg. 48 min. 12 sec. East, a distance of 310.64 feet to a point for corner;

THENCE South 67 deg. 58 min. 55 sec. East, a distance of 400.00 feet to a point for corner in the Southeast line of said Tract 5;

THENCE South 43 deg. 54 min. 29 sec. West, a distance of 301.76 feet to a point for the East corner of said M&M Joint Venture tract;

THENCE North 67 deg. 58 min. 55 sec. West, a distance of 3197.12 feet to the POINT OF BEGINNING and containing 15.946 acres or 694,596 square feet of land;