

ORDINANCE NO. 3530

File No. 569-6

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 AGRICULTURAL, LIGHT COMMERCIAL, R-3 SINGLE FAMILY RESIDENTIAL AND EXECUTIVE RESIDENTIAL TO PLANNED DEVELOPMENT BUSINESS PARK AS DEFINED BY AND SUBJECT TO ALL APPLICABLE CONDITIONS FOR BUSINESS PARK DEVELOPMENT AS SET OUT IN ORDINANCE NO. 3379; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS 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 Agricultural, Light Commercial, R-3 Single Family Residential and Executive Residential to Planned Development Business Park as defined by and subject to all applicable conditions for business park development as set out in Ordinance No. 3379.

That the subject property consists of four parcels which are described as follows:

- (1) Parcel 1 is an 87.42-acre tract located north of IH-20 between McKenzie and Lawson Roads, and is more fully described as Tracts 1 and 2 in the approved field notes in Exhibit "A" attached hereto.
- (2) Parcel 2 is a 38.84-acre tract located generally southeast of Lawson Road and west of the East Fork of the Trinity River, and is more fully described in the approved field notes in Exhibit "B" attached hereto.
- (3) Parcel 3 is a 92.01-acre tract located generally south of IH-20 and east of Shannon Loop towards the southern boundary of the current city limits, and is more fully described as Tracts 1, 2, 3 and 4 in the approved field notes in Exhibit "C" attached hereto.

- (4) Parcel 4 is an 86.5-acre tract located generally south of IH-20 and east of Tract 3 towards the southern boundary of the current city limits and is described as the Executive Residential parcel on the Land Use Diagram of Exhibit "A" as attached to Ordinance No. 3379.

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 Code of the City of Mesquite.

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 (\$2,000.00) Dollars for each offense.

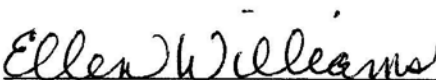
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 7th day of October, 2002.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

TRACT I

BEING a tract of land situated in the J. P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas, part of that certain 93.718 acre tract deeded from Macomo Properties to City of Mesquite by deed recorded in Volume 93248, Page 2192, Deed Records Dallas County Texas and being more particularly described as follows:

COMMENCING at the Northeast corner of the Woodland Park Addition, recorded in Volume 72024, Page 2639, Map Records, Dallas County, Texas, said commencing point also being at the intersection of the centerline of Como Road with the original centerline of McKenzie Road (a 50' ROW):

THENCE: S 45°00'08" E, along the original centerline of said McKenzie Road, a distance of 162.40 feet to a point:

THENCE: N 45°47'36" E, a distance of 20.00 feet to a point in the Northeasterly ROW line of McKenzie Road:

THENCE: N 45° 28' 52" E, departing the Northeasterly ROW line of McKenzie Road, a distance of 320.00 feet to a 1/2 inch iron rod set for corner at the TRUE PLACE OF BEGINNING:

THENCE: N 45°28'52" E, a distance of 1431.44 feet to a 60d nail set:

THENCE: S 45°10'15" E, a distance of 1646.94 feet to a cross set in the Northwesterly ROW line of Lawson Road (a 100' ROW), said cross also being in the Southwesterly line of a 34.42 acre tract of land now or formerly owned by Robert R. Ambridge, et al., recorded in Volume 86023, Page 3597, Deed Records, Dallas County, Texas:

THENCE: S 76°01'01" W, along the Northwesterly ROW line of Lawson Road, a distance of 256.19 feet, to a 1/2 inch iron rod set at the beginning of a curve to the left, having a central angle of 31°17'17", a radius of 1390.00 feet and a chord bearing S 60° 22' 22" W, a distance of 749.65 feet:

THENCE: in a Southwesterly direction, along said curve to the left and the Northwesterly ROW line of Lawson Road, an arc distance of 759.05 feet to a 1/2 inch iron rod set at the point of tangency:

THENCE: S 44° 43' 44" W, along the Northwesterly ROW line of Lawson Road, a distance of 630.96 feet to a 1/2 inch iron rod set for corner in the North ROW line of Interstate Highway No. 20 (a variable ROW):

THENCE: N 45°16'16" W, along the North ROW line of Interstate Highway No. 20, a distance of 10.00 feet to a 1/2 inch iron rod set:

THENCE: N 80° 16' 38" W, along the North ROW line of Interstate Highway No. 20, a distance of 305.24 feet to a 1/2 inch iron rod set for corner in the Northeasterly ROW line of McKenzie Road:

THENCE: N 45°21'14" W along the Northeasterly ROW line of McKenzie Road, a distance of 724.67 feet to the TRUE PLACE OF BEGINNING and containing 52.4579 acres of land, more or less.

TRACT 2

BEING a tract of land situated in the J. P. Anderson Survey, Abstract No. 1 and the S. A. Haught Survey, Abstract No. 567, City of Mesquite, Dallas County, Texas, part of that certain 93.718 acre tract deeded from Macomo Properties to City of Mesquite by deed recorded in Volume 93248, Page 2192, Deed Records Dallas County Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the intersection of the Southeasterly ROW line of Lawson Road (a 100' ROW) with the North ROW line of Interstate Highway No. 20 (a variable ROW):

THENCE: N 44° 43' 44" E, along the Southeasterly ROW line of Lawson Road, a distance of 630.96 feet to a 1/2 inch iron rod set at the beginning of a curve to the right, having a central angle of 31° 17' 17", a radius of 1290.00 feet and a chord bearing N 60° 22' 22" E, a distance of 695.72 feet:

THENCE: in a Northeasterly direction along said curve to the right and the Southeasterly ROW line of Lawson Road, an arc distance of 704.44 feet to a 1/2 inch iron rod set at the point of tangency:

THENCE: N 76° 01' 00" E, along the Southeasterly ROW line of Lawson Road, a distance of 316.72 feet to a cross set for corner in the Southwesterly line of a 34.42 acre tract conveyed to Robert R. Ambridge by deed recorded in Volume 86023, Page 3597, Deed Records, Dallas County, Texas:

THENCE: S 45° 10' 15" E, along the Southwesterly line of said Ambridge tract, a distance of 876.87 feet to a 1/2 inch iron rod set for corner in the common line of said J. P. Anderson Survey and said S. A. Haught Survey:

THENCE: S 45° 00' 02" W, along the common line of said J. P. Anderson Survey and said S. A. Haught Survey, a distance of 24.55 feet to a 1/2 inch iron rod set for corner:

THENCE: S 22° 01' 43" E, departing the common line of said J. P. Anderson Survey and said S. A. Haught Survey, a distance of 384.89 feet to a 5/8 inch iron rod set in the Northwest ROW line of old Lawson Road:

THENCE: S 62° 13' 02" W, along the Northwest ROW line of old Lawson Road, a distance of 305.21 feet to a concrete highway marker found for corner at the intersection of the Northwest ROW line of old Lawson Road with the North ROW line of Interstate Highway No. 20:

THENCE: along the North ROW line of Interstate Highway No. 20, the following:

N 86° 17' 03" W, a distance of 1076.23 feet to a concrete monument found for corner:

N 83° 13' 18" W, a distance of 797.37 feet to a concrete monument found corner:

N 18° 41' 38" W, a distance of 44.24 feet to a concrete monument found for corner:

N 44° 26' 15" E, a distance of 74.34 feet to a concrete monument found for corner:

N 45° 16' 16" W, a distance of 10.00 feet to the PLACE OF BEGINNING and containing

34.9647 acres of land, more or less.

BEING a tract of land situated in the J. M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, part of that certain tract of land conveyed to the City of Mesquite by deed recorded in Volume 4896, Page 83, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the most Southerly corner of said City of Mesquite Tract, said iron rod being at an ell corner of a tract of land conveyed to Falcon's Lair by deed recorded in Volume 97204, Page 2005, Deed Records, Dallas County, Texas;

THENCE: N 45 degrees 49 minutes 18 seconds W, along the common line of said Falcon's Lair Tract and said City of Mesquite Tract, a distance of 1518.38 feet to a 5/8 inch iron rod set with cap stamped "RPS 2509" in the centerline of South Mesquite Creek;

THENCE: along the centerline of said creek, the following:

N 49 degrees 20 minutes 22 seconds E, a distance of 64.47 feet to a point;
S 69 degrees 34 minutes 21 seconds E, a distance of 100.82 feet to a point;
N 73 degrees 30 minutes 49 seconds E, a distance of 109.20 feet to a point;
N 68 degrees 05 minutes 30 seconds E, a distance of 134.55 feet to a point;
N 89 degrees 34 minutes 17 seconds E, a distance of 436.50 feet to a point;
N 81 degrees 14 minutes 16 seconds E, a distance of 85.15 feet to a point;
N 45 degrees 06 minutes 37 seconds E, a distance of 67.12 feet to a point;
N 23 degrees 40 minutes 22 seconds E, a distance of 77.74 feet to a point;
N 08 degrees 36 minutes 28 seconds E, a distance of 62.71 feet to a point;
N 40 degrees 30 minutes 42 seconds E, a distance of 109.89 feet to a point;
N 70 degrees 33 minutes 14 seconds E, a distance of 93.71 feet to a point;
S 84 degrees 35 minutes 58 seconds E, a distance of 132.36 feet to a point;
S 89 degrees 38 minutes 29 seconds E, a distance of 88.46 feet to a point;
N 55 degrees 45 minutes 27 seconds E, a distance of 77.58 feet to a point;
N 24 degrees 26 minutes 32 seconds E, a distance of 159.39 feet to a point;

N 16 degrees 31 minutes 00 seconds E, a distance of 96.69 feet to a point;
N 71 degrees 16 minutes 01 second E, a distance of 140.32 feet to a point;
S 57 degrees 38 minutes 30 seconds E, a distance of 173.77 feet to a point;
S 23 degrees 41 minutes 25 seconds E, a distance of 93.75 feet to a point;
S 05 degrees 04 minutes 17 seconds W, a distance of 152.23 feet to a point;
S 22 degrees 40 minutes 24 seconds W, a distance of 92.18 feet to a point;
S 04 degrees 42 minutes 20 seconds E, a distance of 34.50 feet to a point;
S 56 degrees 54 minutes 58 seconds E, a distance of 85.13 feet to a point;
S 82 degrees 59 minutes 37 seconds E, a distance of 107.42 feet to a point;
S 68 degrees 39 minutes 07 seconds E, a distance of 148.29 feet to a point;
S 36 degrees 54 minutes 08 seconds E, a distance of 130.70 feet to a point in
the common line of said Falcon's Lair Tract and said City of Mesquite Tract:

THENCE: S 44 degrees 48 minutes 47 seconds W, departing the centerline of said
creek and along said common line, passing at 56.80 feet a 5/8 inch iron rod set
with cap stamped "RPS 2509" in all a distance of 1555.16 feet to the PLACE OF
BEGINNING and containing 38.84 acres of land, more or less.

Tract 1:

BEING all that certain lot, tract or parcel of land located in the J.R. BRUTON SURVEY, ABSTRACT NO. 150, Dallas County, Texas and being all of a 11.931-acre tract of land (Tract One) and all of Tract Two, conveyed to James L. Rabe, by deed recorded in Volume 2000098, Page 02229, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning at a 1/2 inch diameter iron rod set for corner in the Northeast line of proposed Shannon Road, said point being at the West corner of the above mentioned Tract Two;

Thence North 44 degrees 20 minutes 55 seconds East, along the Northwest line of said Tract Two, a distance of 1547.43 feet to a fence post for corner at the North corner of the above mentioned 11.931 acre tract;

Thence South 39 degrees 17 minutes 32 seconds East, along the Northeast line of said 11.931 acre tract, a distance of 359.94 feet to a fence post for corner at the East corner of said 11.931 acre tract;

Thence South 44 degrees 49 minutes 04 seconds West, along the Southeast line of said 11.931 acre tract, a distance of 1674.22 feet to a 1/2 inch diameter iron rod set for corner in the Northeast line of said proposed Shannon Road and said point being at the beginning of a curve to the left having a central angle of 26 degrees 11 minutes 21 seconds, a radius of 341.64 feet and a chord bearing of North 11 degrees 58 minutes 56 seconds West, a distance of 154.80 feet;

Thence in a Northwesterly direction along said curve to the left and said Northeast line, a distance of 156.16 feet to a 1/2 inch diameter iron rod set for corner;

Thence North 25 degrees 04 minutes 36 seconds West, along said Northeast line, a distance of 229.84 feet to the PLACE OF BEGINNING and containing 12.877 acres of land.

Tract 2:

BEING all that certain lot, tract or parcel of land located in the J.R. BRUTON SURVEY, ABSTRACT NO. 150, Dallas County, Texas and being all of Tract Three, conveyed to James L. Rabe, by deed recorded in Volume 2000098, Page 02229, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning at a 1/2 inch diameter iron rod set for corner in the centerline of Shannon Road, said point being at the South corner of the above mentioned Tract Three;

Thence North 45 degrees 02 minutes 52 seconds West, along said centerline, a distance of 340.48 feet to a 1/2 inch diameter iron rod set at the South corner of a 75.530 acre tract of land conveyed to Mike Rorie, by deed recorded in Volume 2000139, Page 03230, Deed Records, Dallas County, Texas;

Thence North 44 degrees 20 minutes 55 seconds East, along the Southeast line of said 75.530 acre tract, a distance of 511.27 feet to a 1/2 inch diameter iron rod found for corner in the Southwest line of said proposed Shannon Road;

Thence South 25 degrees 04 minutes 36 seconds East, along said Southwest line, a distance of 199.91 feet to a 1/2 inch diameter iron rod set for corner in said Southwest line and said point being at the beginning of a curve to the right having a central angle of 50 degrees 37 minutes 07 seconds, a radius of 261.64 feet and a chord bearing of South 00 degrees 13 minutes 57 seconds West, a distance of 223.70 feet;

Thence in a Southeasterly direction along said curve to the right and said Southwest line, a distance of 231.15 feet to a 1/2 inch diameter iron rod set at the East corner of said Tract Three;

Thence South 44 degrees 49 minutes 04 seconds West, along the Southeast line of said Tract Three, a distance of 284.05 feet to the PLACE OF BEGINNING and containing 3.428 acres of land.

Tract 3:

BEGINNING at a point said point being the intersection of the new southwest line of SHANNON LOOP AND THE NORTHWEST LINE OF THE CHAS W SMITH 25 acre tract in the J. R. BRUTON SURVEY ABSTRACT NO. 150 said being the southeast line of the S. W. and W. EWALT 75 acre tract in the J. R. BRUTON SURVEY ABSTRACT NO. 150 said point being 510 feet plus or minus northeasterly along the last above mentioned from the centerline of old Shannon Loop;

THENCE SOUTHEASTERLY along the New Southwest line of said Loop being at all times parallel to and 40 feet perpendicularly distant from centerline a distance of 198.5 feet to the point of curve of a circular curve having a central angle of 67° 25' to the right and a radius of 261.64 feet;

THENCE SOUTHERLY along said curve same being the new west line of said Loop being at all times concentric to and 40 feet perpendicularly distant from the centerline a distance of 246 feet to a point in said curve said point being in the southwest line of said CHAS W SMITH 25 acre tract same being the northwest line of the DAN SAKELLARIOU tract in said survey;

THENCE NORTHEASTERLY along last above mentioned line a distance of 160 feet to a point in a circular curve having a central angle of 67° 25' to the left and a radius of 341.64 feet;

THENCE NORTHERLY along said curve same being the new east line of said Loop being at all times concentric to and 40 feet perpendicularly distant from centerline a distance of 162 feet to the point of tangency;

THENCE NORTHWESTERLY along the new northeast line of said Loop being at all times parallel to and 40 feet perpendicularly distant from the centerline a distance of 227.7 feet to a point for a corner said point being in the northwest line of said CHAS W SMITH 25 acre tract in said survey;

THENCE SOUTHWESTERLY along last above mentioned line, a distance of 85.2 feet TO THE POINT OF BEGINNING...and containing 0.766 acre.

Tract 4:

BEING all that certain lot, tract or parcel of land located in the J.R. BURTON SURVEY, ABSTRACT NO. 150, Dallas County, Texas and being part of a 75.530 acre tract of land conveyed to Mike Rorie, by deed recorded in Volume 2000139, Page 03230, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning at a 1/2 inch diameter iron rod set at the North corner of the above mentioned 75.530 acre tract;

Thence South 45 degrees 05 minutes 30 seconds East, along the Northeast line of said 75.530 acre tract, a distance of 1026.88 feet to a 1/2 inch diameter iron rod found at the East corner of said 75.530 acre tract;

Thence South 45 degrees 45 minutes 41 seconds West, a distance of 1066.05 feet to a fence post for corner at the North corner of a 11.931 acre tract of land (Tract 1), by deed recorded in Volume 2000098, Page 02229, Deed Records, Dallas County, Texas;

Thence South 44 degrees 20 minutes 55 seconds West, along the Northwest line of said 11.931 acre tract, a distance of 2144.16 feet to a 1/2 inch diameter iron rod set for corner in the centerline of Shannon Road;

Thence North 45 degrees 02 minutes 52 seconds West, along said centerline, a distance of 1026.78 feet to a 1/2 inch diameter iron rod set at the West corner of said 75.530 acre tract;

Thence North 44 degrees 48 minutes 58 seconds East, along the Northwest line of said 75.530 acre tract, a distance of 702.14 feet to a 1/2 inch diameter iron rod set at the West corner of a 0.080 of an acre tract of land conveyed to City of Mesquite, by deed recorded in Volume 93145, Page 3552, Deed Records, Dallas County, Texas;

Thence South 52 degrees 07 minutes 12 seconds East, along the Southwest line of said 0.080 of an acre tract, a distance of 56.88 feet to a 3/8 inch diameter iron rod found at the South corner of said 0.080 of an acre tract;

Thence North 35 degrees 48 minutes 38 seconds East, along the Southeast line of said 0.080 of an acre tract, a distance of 61.07 feet to a fence post for corner at the East corner of said 0.080 of an acre tract;

Thence North 52 degrees 39 minutes 36 seconds West, along the Northeast line of said 0.080 of an acre tract, a distance of 47.31 feet to a 3/8 inch diameter iron rod found for corner in the Northwest line of said 75.530 acre tract;

Thence North 44 degrees 48 minutes 58 seconds East, along said Northwest line, a distance of 2446.01 to the PLACE OF BEGINNING and containing 74.929 acres of land.