

ORDINANCE NO. 3705
File No. 1031-18

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 AND A-1 APARTMENTS TO 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 (\$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 Planned Development – Multifamily and A-1 Apartments to Commercial.

That the subject property is a 28-acre tract generally located between New Market Road and Military Parkway, east of IH 635, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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.

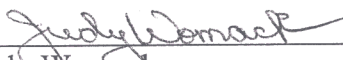
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 3rd day of January, 2005.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

BEGINNING at a point on the East line of Interstate 635 and J. D. Adcock's North line, said point being 1587.87 feet from the South line of Military Parkway;

THENCE, South 89° 47' 40" East, 1860.31 feet;

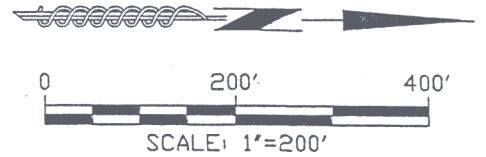
THENCE, South 0° 19' 21" East 685 feet;

THENCE, North 89° 47' 40" West 1581.28 feet to a point on the East line of Highway 635;

THENCE, North 22° 24' 36" West along said East line of Highway 635, 742.03 feet to PLACE OF BEGINNING.

INTERSTATE HIGHWAY
635
(A VARIABLE WIDTH R.O.W.)

N22°24'35"W
225.00' P.O.B.



1±
ACRE

166.69'
S89°29'56"W

N89°29'56"E
250.65'

S00°30'04"E
208.75'

WALTER L. ALLEN, JR. AND WIFE, BARBARA J. ALLEN
VOLUME 2001 218, PAGE 00370

AUSTIN TWO TRACTS, L.P.
VOLUME 96151, PAGE 00160

NOTE: THIS NOT A BOUNDARY
SURVEY. NO FIELD WORK WAS
PERFORMED FOR THIS EXHIBIT
AND PROPERTY DESCRIPTION
ATTACHED HERETO.

McKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1031

ZONING EXHIBIT 1± ACRE

PORTION OF TRACT TO
AUSTIN TWO TRACTS, L.P.
VOLUME 96151, PAGE 00160

McKINNEY AND WILLIAMS SURVEY
ABSTRACT NO. 1031
MESQUITE, TEXAS
DALLAS COUNTY, TEXAS

CITY OF MESQUITE
VOLUME 69010, PAGE 1565

CITY OF MESQUITE
VOLUME 67156, PAGE 1670

EXHIBIT PREPARED BY: DANIEL A. SMITH
309 N. GALLOWAY, SUITE 107, MESQUITE, TEXAS 75149
972-216-3334 (OFFICE) 972-216-9922 (FAX)

SEE ATTACHED ZONING DESCRIPTION

SHEET 1 OF 2

Zoning Description
1.0 +/- acres
McKinney and Williams Survey, Abstract No. 1031
Mesquite, Dallas County, Texas
(Sheet 2 of 2)

Being a 1.0 +/- acre tract of land in the McKinney and Williams Survey, Abstract No. 1031, Mesquite, Dallas County, Texas, and being a portion of that certain tract of land described in deed to Austin Two Tracts, L.P. recorded in Volume 96151, Page 00160, Deed Records, Dallas County, Texas, Deed Records, Dallas County, Texas, said 1.0 +/- acres being described as follows:

Beginning at the northwest corner of said Austin Two Tracts, the southwest corner of a tract of land described in deed to Walter L. Allen, Jr. and wife, Barbara J. Allen as recorded in Volume 2001218, Page 00370 and in the east line of Interstate Highway No. 635, a variable width right-of-way;

Thence, N 89°29'56" E, 250.65 feet with the south line of said Allen tract and the north line of said Austin Two Tracts;

Thence, S 00°30'04" W, 208.75 feet leaving the common line of said Allen and Austin Two Tracts;

Thence, S 89°29'56" W, 166.69 feet to the aforesaid east line of Interstate Highway No. 635;

Thence, N 22°24'35" W, 225.00 feet along the east line of Interstate Highway No. 635 to the Point of Beginning and containing 1.0 +/- acres of land, more or less.