

ORDINANCE NO. 3706  
File No. 82-3

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 COMMERCIAL TO INDUSTRIAL; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 Commercial to Industrial.

That the subject property is located at 4790 and 4800 Samuell Boulevard, described as Tracts 1 and 2, Page 620, Abstract 82, and is described more fully in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. 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 3. 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 4. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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:

  
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Judy Womack  
City Secretary

APPROVED:

  
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B.J. Smith  
City Attorney

## LEGAL DESCRIPTION

BEING a 57.59 acre tract of land situated in the City of Mesquite, Dallas County, Texas, being situated in the Isaac Beeman Survey, Abstract Number 82, and being a portion of the tract of land described in deeds to the Buckner Orphans Home, recorded in Volume 2595, Page 436, Volume 653, Page 137, Volume 651, Page 303, Volume 651, Page 304, Deed Records of Dallas County, Texas, (D.R.D.C.T.), said 57.59 acre tract of land being more particularly described as follows:

BEGINNING at a found X cut on a 3-inch diameter brass Texas Department of Transportation right-of-way monument in concrete four inches below ground level, having Texas State Plane North Central Zone 4202 Grid Coordinates of North 63°18'21.5364" and East 2,528,989,1705 feet, said point being on the south right-of-way line of U.S. Highway 80 (a variable width right-of-way), said point also being the southeast corner of that certain tract of land as described in the deed to the State of Texas in Volume 76140, Page 1661, D.R.D.C.T., said point also being on the east line of said Buckner Orphans Home tract, said point also being on the west line of the Big Town Addition, an addition to the City of Mesquite, according to the plat thereof recorded in Volume 37, Page 215, Map Records of Dallas County, Texas, (M.R.D.C.T.);

THENCE South 00 degrees 37 minutes 50 seconds East, along the common line between said Buckner Orphans Home tract and said Big Town Addition, a distance of 719.81 feet to a found PK nail for corner, said point being the northeast corner of a 30.72 acre tract of land described in deed to Prologis trust recorded in Volume 2002110, Page 13249;

THENCE North 89 degrees 53 minutes 54 seconds West, departing said common line and along the north line of said Prologis tract, a distance of 968.70 feet to a 1/2-inch found iron rod with a yellow plastic cap stamped HALFF ASSOC. INC. seconds, hereinafter referred to as with cap) for corner;

THENCE South 00 degrees 01 minute 22 seconds West, along the west line of said Prologis tract, a distance of 1,375.24 feet to a 1/2-inch found iron rod with cap for corner, said point being in the north right-of-way line of Samuel Boulevard (a variable width right-of-way, being 120 feet wide at this point);

THENCE South 89 degrees 32 minutes 31 seconds West, departing the west line of said Prologis tract and along the said north right-of-way line, a distance of 1,110.15 feet to a point in the center line of an 80 foot electrical transmission easement recorded in Volume 2003090 Page 12562 D.R.D.C.T.;

THENCE North 04 degrees 03 minutes 05 seconds East, departing said north right-of-way line and along said center line, a distance of 337.81 feet to a point for corner;

THENCE North 00 degrees 29 minutes 29 seconds West, continuing along said easement, a distance of 820.32 feet to a point for corner;

THENCE North 11 degrees 41 minutes 47 seconds East, continuing along said center line, a distance of 36.91 feet to a point for corner, said point being in the east right-of-way line of Buckner Boulevard (a variable width right-of-way) as described in deed recorded in Volume 76140, Page 1661, D.R.D.C.T.;

THENCE North 52 degrees 18 minutes 27 seconds East, departing said center line and along said east right-of-way line a distance of 171.75 feet to a 1/2-inch found iron rod with cap for corner, said point being the point of curvature of a circular curve to the left and having a radius of 511.00 feet whose chord bears North 22 degrees 32 minutes 05 seconds West, a distance of 103.85 feet;

THENCE Northwesterly, continuing along said east right-of-way line and along said circular curve through a central angle of 11 degrees 39 minutes 50 seconds for an arc distance of 104.03 feet to a 1/2-inch found iron rod with cap for corner;

THENCE North 27 degrees 10 minutes 57 seconds East, continuing along said east right-of-way line a distance of 133.65 feet to a point for corner from which a found brass TxDOT monument with an X cut in concrete bears North 49 degrees 55 minutes 20 seconds West, a distance of 0.21 feet, said point being the point of tangency of a circular curve to the left and having a radius of 790.20 feet whose chord bears North 21 degrees 29 minutes 26 seconds West, a distance of 156.74 feet;

THENCE Northeasterly, continuing along said east right-of-way line and along said circular curve through a central angle of 11 degrees 23 minutes 02 seconds for an arc distance of 157.00 feet to a found brass TxDOT monument with an X cut in concrete for corner;

THENCE North 45 degrees 45 minutes 37 seconds East, continuing along said east right-of-way line a distance of 168.27 feet to a found brass TxDOT monument with an X cut in broken concrete for corner, said point being in the south right-of-way line of US Highway 80 (a variable width right-of-way) as described in deed recorded in Volume 76140, Page 1661, D.R.D.C.T.;

THENCE North 76 degrees 01 minute 02 seconds East, along said south right-of-way line of US Highway 80 a distance of 25.89 feet to a found brass TxDOT monument with an X cut in broken concrete for corner, said point being the point of tangency of a tangent circular curve to the right and having a radius of 2,849.79 feet whose chord bears North 78 degrees 18 minutes 59 seconds East, a distance of 228.65 feet;

THENCE Northeasterly, continuing along said south right-of-way line and along said tangent circular curve through a central angle of 04 degrees 35 minutes 54 seconds for an arc distance of 228.71 feet to 5/8-inch found iron rod for corner;

THENCE North 80 degrees 36 minutes 56 seconds East, continuing along said south right-of-way line a distance of 170.26 feet to a point for corner from which a found brass TxDOT monument without a cap in concrete bears South 73 degrees 24 minutes 35 seconds East, a distance of 0.14 feet, said point being the point of tangency of a tangent circular curve to the left and having a radius of 5,780.58 feet, whose chord bears North 79 degrees 11 minutes 39 seconds East, a distance of 286.81 feet;

THENCE Northeasterly, continuing along said south right-of-way line and along said tangent circular curve through a central angle of 02 degrees 50 minutes 35 seconds for an arc distance of 286.84 feet to a point for corner from which a found TxDOT aluminum disk bears South 52 degrees 49 minutes 41 seconds West, a distance of 0.33 feet;

THENCE North 77 degrees 46 minutes 21 seconds East, continuing along said south right-of-way line a distance of 493.76 93 feet to a point for corner from which a found brass TxDOT monument with an X cut in concrete bears South 18 degrees 58 minutes 41 seconds East, a distance of 0.42 feet, said point being the point of tangency of a tangent circular curve to the right and having a radius of 2,849.79 feet whose chord bears North 79 degrees 31 minutes 16 seconds East, a distance of 173.90 feet;

THENCE Northeasterly, continuing along said south right-of-way line and along said circular curve through a central angle of 03 degrees 29 minutes 49 seconds for an arc distance of 173.93 feet to a point for corner from which a found brass TxDOT monument with an X cut in concrete bears South 19 degrees 48 minutes 21 seconds East, a distance of 0.35 feet;

THENCE North 81 degrees 16 minutes 10 seconds East, continuing along said south right-of-way line a distance of 363.80 feet to the POINT OF BEGINNING AND CONTAINING 2,508,544 square feet or 57.59 acres, more or less.

Basis of Bearing is the Texas State Plane Coordinate System, 1983, North Central Zone 4202, City of Mesquite Geodetic Control Network, based upon GPS measurements from horizontal control monument 'GPS1' and 'GPSS'. Convergence angle at 'GPS1' is = 01 degrees 01 minutes 01.5034 seconds as published in the City of Mesquite Control Network. Combined Scale Factor (CSF) = 0.999861855, Surface Coordinates equal Texas State Plane Coordinates divided by CSF. Coordinates shown hereon are Texas State Plane (GRID) Coordinates.