

ORDINANCE NO. 3783

File No. 567-4

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 TO PLANNED DEVELOPMENT – SINGLE FAMILY SUBJECT TO CERTAIN STIPULATIONS; 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 all 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 to Planned Development – Single Family subject to the following stipulations:

1. Compliance is required with all aspects of the design, layout, amenities and development standards as proposed on the concept plan, amenity summary for Lawson Acres and exhibits presented, except as modified herein.
2. A maximum of 282 lots shall be permitted.
3. Lot size and lot width shall be as presented with the garage/driveway layout as shown in the concept plan and development standards.
4. The minimum unit size for this development shall be 2,600 square feet.
5. Exterior masonry shall comply with Section 2-303 of the Mesquite Zoning Ordinance, as amended June 7, 2004.
6. Compliance with the City of Mesquite Storm Water and Flood Protection Ordinance dated July 1995 is required.

7. Waiver of alleys shall be approved as indicated on the concept plan, provided that the parking of boats, trailers and recreational vehicles shall be prohibited on all lots served by front drives, except in fully enclosed garages.
8. TXU-ED maintains the City's streetlights. The type of ornamental street lighting used in the development must be selected from the TXU-ED approved list of supported decorative street lighting revised February 2005.
9. Street signage is installed by the developer at the developer's expense and in compliance with City Ordinance No. 3540. Extra, unused street sign poles and hardware shall be provided to the City in an amount equal to a minimum of five percent of the installed materials including at least one of each item installed.
10. Sidewalk requirements along Shannon and Lumley Roads are waived. Sidewalks shall be required on all street frontages within the development.
11. Streets shall comply with the following requirements: 31-foot of pavement within 65-foot of right-of-way.

That the subject property is a 101.98-acre tract located at Shannon Road and Lumley Road, south of IH 20, further described as Tracts 1 and 2, Page 824, Tracts 12, 12.5, 12.6 and part of Tracts 12.3 and 12.10, Page 698, Abstract 567, 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.

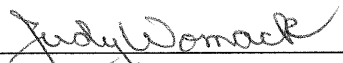
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of December, 2005.



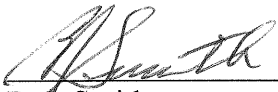
Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B.J. Smith
City Attorney

LEGAL DESCRIPTION

BEING a 101.98 acre tract of land situated in the Samuel A. Haught Survey, Abstract No. 567, Dallas County, Texas, said tract being all of a tract of land described in deed to Grady W. Wall, as recorded in Volume 3962, Page 19, Deed Records Dallas County, Texas (D.R.D.C.T.); all of a Tract I and Tract II as described in deed to Julian Rorie, James Karcher and Mitzi Karcher, as recorded in Volume 85248, Page 5189, D.R.D.C.T.; a part of a tract of land described in deed to Frank J. Mach III, as recorded in Volume 566, Page 1567, D.R.D.C.T.; all of a tract of land described in deed to James D. Taylor and Jeanie Taylor, as recorded in Volume 83111, Page 4630, D.R.D.C.T.; all of tract of land described in deed to LRT/DRC Highland Meadows Development, Ltd., as recorded in Volume 2005090, Page 4707, D.R.D.C.T.; part of Lot 1, Block A, The Freeman Estates South Addition, an addition to the City of Mesquite, as recorded in Volume 87044, Page 1468, Map Records Dallas County, Texas (M.R.D.C.T.); and a part of Lot 2, Block A, Freeman Estates South Addition, addition to the City of Mesquite, as recorded in Volume 90179, Page 1729, M.R.D.C.T., said tract being more particularly described as follows:

BEGINNING at a 1/2-inch set iron rod with a cap stamped "RPLS 5439" (hereinafter referred to as "with cap") for the beginning of a circular curve to the right, having a radius of 70.53 feet and whose chord bears South 00 degrees 00 minutes 50 seconds, a distance of 99.02 feet, said corner being on the southwest right-of-way line of Lumley Road;

TEHNCE Southerly, along said right-of-way and said curve to the right, through a central angle of 89 degrees 10 minutes 00 seconds, an arc distance of 109.76 feet to a 1/2-inch set iron rod with cap for the end of said curve;

THENCE South 43 degrees 47 minutes 14 seconds West, along said Lumley Road right-of-way line, a distance of 1352.51 feet to a 1/2-inch set iron rod with cap for corner on the southwest right-of-way line of Shannon Loop;

THENCE South 48 degrees 58 minutes 04 seconds West, along said Shannon Loop right-of-way line, a distance of 278.05 feet to a 5/8-inch found iron rod for corner;

THENCE South 47 degrees 17 minutes 20 seconds West, along said Shannon Loop right-of-way line, a distance of 100.03 feet to a 5/8-inch found iron rod for the beginning of a circular curve to the right, having a radius of 113.60 feet and whose chord bears South 89 degrees 31 minutes 59 seconds West, a distance of 152.45 feet;

THENCE Southwest, along said Shannon Loop right-of-way line and said curve to the right, through a central angle of 84 degrees 17 minutes 19 seconds, an arc distance of 167.12 feet to a 5/8-inch found iron rod for the end of said curve, said point being on the northeast right-of-way line of said Shannon Loop;

THENCE North 44 degrees 50 minutes 30 seconds West, along said Shannon Loop right-of-way line, a distance of 1749.11 feet to a 1/2-inch found iron rod for the southwest corner of said Grady W. Wall tract;

THENCE North 44 degrees 15 minutes 33 seconds East, departing said Shannon Loop right-of-way line and along the southwest line of said Wall tract, a distance of 957.17 feet to a 1/2-inch set iron rod with cap for the southeast corner of a the aforementioned Freeman Estates South, Lot 2;

THENCE South 45 degrees 44 minutes 27 seconds West, along the southwest line of said Freeman Estates Lot 2, and the aforementioned Lot 1, Block A, The Freeman Estates South Addition; Julian Rorie tract; and Frank Mach III tract, a distance of 1138.28 feet to a point for corner;

THENCE in a northeasterly direction, generally along Harding Branch the following calls:

North 23 degrees 59 minutes 00 seconds West, a distance of 86.34 feet;
North 39 degrees 50 minutes 00 seconds East, a distance of 84.20 feet;
South 67 degrees 47 minutes 00 seconds East, a distance of 68.60 feet;
North 47 degrees 50 minutes 00 seconds East, a distance of 78.90 feet;
North 70 degrees 04 minutes 00 seconds East, a distance of 63.70 feet;
North 50 degrees 09 minutes 00 seconds East, a distance of 69.20 feet;
North 06 degrees 54 minutes 00 seconds West, a distance of 64.00 feet;
North 02 degrees 56 minutes 00 seconds West, a distance of 61.00 feet;
North 68 degrees 33 minutes 00 seconds East, a distance of 63.70 feet;
South 07 degrees 35 minutes 00 seconds East, a distance of 62.00 feet;
North 77 degrees 13 minutes 00 seconds East, a distance of 64.50 feet;
North 39 degrees 21 minutes 00 seconds East, a distance of 41.60 feet;
North 84 degrees 22 minutes 00 seconds East, a distance of 87.90 feet;
North 09 degrees 13 minutes 44 seconds East, a distance of 69.40 feet;
North 03 degrees 44 minutes 00 seconds East, a distance of 132.15 feet to a point for corner on the southeast right-of-way line of Interstate Highway 20;

THENCE North 85 degrees 30 minutes 38 seconds East, along said southeast right-of-way line, a distance of 480.87 feet to a 1/2-inch set iron rod with cap for corner on the southwest right-of-way line of the aforementioned Lumley Road;

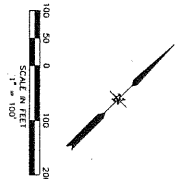
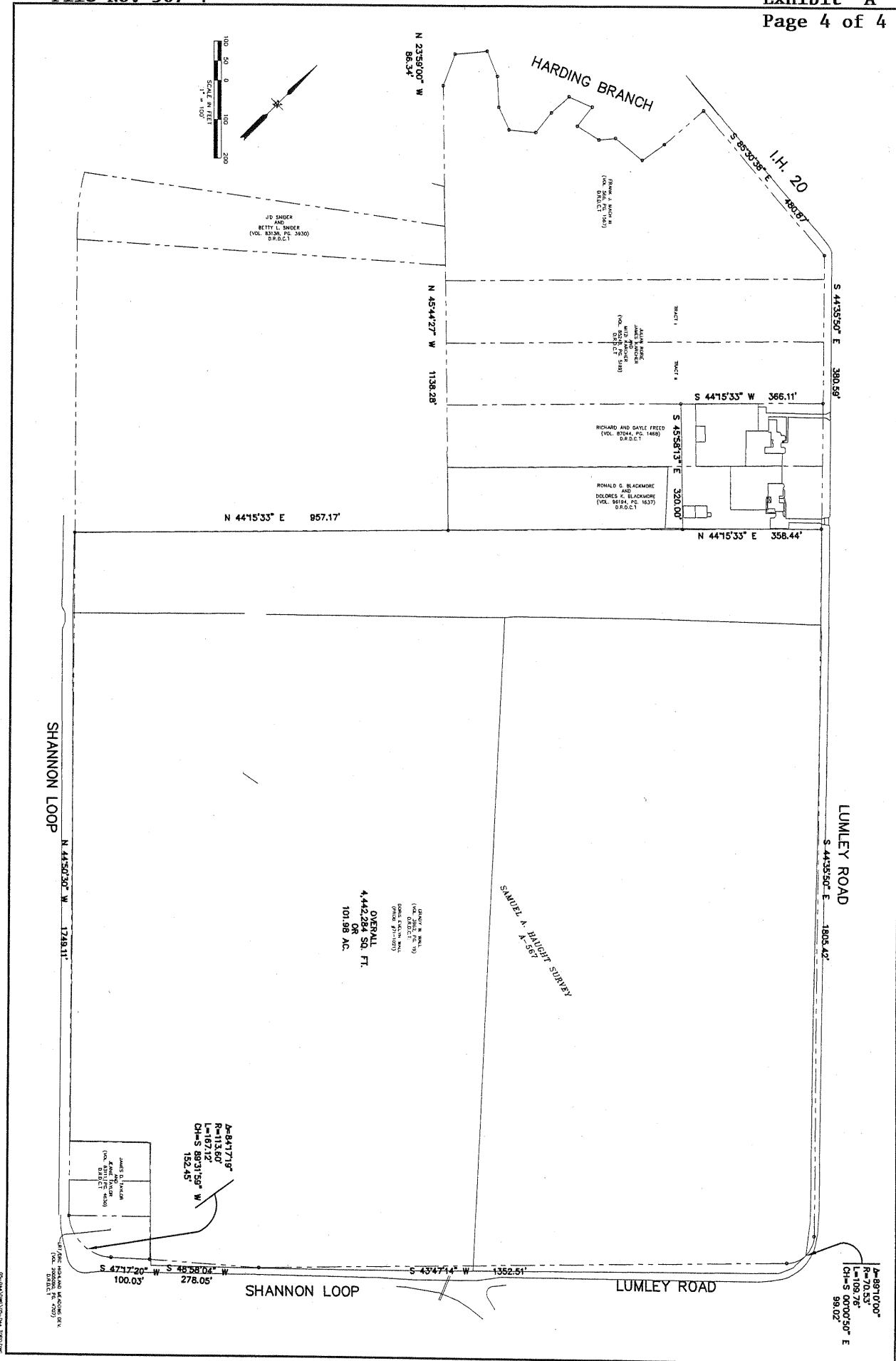
THENCE South 44 degrees 35 minutes 50 seconds East, along said southwest right-of-way line, a distance of 380.59 feet to a 1/2-inch found iron rod for the northwest corner of the aforementioned Lot 1, Block A, The Freeman Estates South Addition;

THENCE South 44 degrees 15 minutes 33 seconds West, departing said southwest right-of-way line and along the west line of said Lot 1, a distance of 366.11 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 45 degrees 58 minutes 13 seconds East, across said Lot 1 and said Lot 2, a distance of 320.00 feet to a 1/2-inch set iron rod with cap for corner on the east line of said Lot 2 and the southwest line of the aforementioned Wall tract;

THENCE North 44 degrees 15 minutes 33 seconds East, along the southwest line of said Wall tract and the east line of said Lot 2, a distance of 358.44 feet to a 1/2-inch set iron rod with cap for corner on the southwest right-of-way line of the aforementioned Lumley Road;

THENCE South 44 degrees 35 minutes 50 seconds East, along said southwest right-of-way line, a distance of 1805.42 feet to the POINT OF BEGINNING AND CONTAINING 4,442,284 square feet or 101.98 acres of land more or less.



56-5447(Rev. 05-24) TYPED