

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 R-3 SINGLE FAMILY, LIGHT COMMERCIAL AND COMMERCIAL TO PLANNED DEVELOPMENT INDUSTRIAL 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 (\$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 on property zoned R-3 Single Family, Light Commercial and Commercial to Planned Development Industrial, stipulating that the buildings be 100 percent masonry tilt wall construction and that a site plan be submitted and approved by the City Council.

That the subject property is a 30.90-acre tract located at the southeast corner of the US Highway 80 East and Big Town Boulevard intersection, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 are 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 15th day of May, 2006.




Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Wornack
City Secretary

B. J. Smith
City Attorney

TRACT 1

BEING a parcel of land in the City of Mesquite, Dallas County, Texas, a part of the W.O. Abbott Survey, Abstract No. 34, and being all of that tract of land conveyed to Don Valk as recorded in Volume 93161, Page 4084, Dallas County Deed Records, and being a part of Lot 1R, Block A, Paces Court Addition, an addition to the City of Mesquite as recorded in Volume 95039, Page 3790, Dallas County Deed Records, and being all of Tract A and all of Tract C conveyed to Don Valk as recorded in Volume 99217, Page 5515, Dallas County Deed Records, and being all of that tract of land conveyed to Brenton Lemmond and wife, Kim Lemmond as recorded in Volume 2004236, Page 1012, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found for corner at the intersection of the east line of Big Town Boulevard (a 98 foot wide right-of-way) with the north right-of-way line of Samuell Boulevard (a 120 foot wide right-of-way);

THENCE North 01 degrees 24 minutes 46 seconds East, 1000.48 feet along the east right-of-way line of Big Town Boulevard to a one-half inch iron rod found for corner in the south right-of-way line of Paces Court (a 60 foot wide right-of-way);

THENCE along the south and east right-of-way line of Paces Court as follows:

South 88 degrees 35 minutes 15 seconds East, 68.97 feet to a one-half inch iron rod found for corner;

Southeasterly, 89.02 feet along a curve to the right which has a central angle of 15 degrees 29 minutes 51 seconds, a radius of 329.12 feet, a tangent of 44.78 feet, and whose chord bears South 80 degrees 50 minutes 19 seconds East, 88.75 feet to a one-half inch iron rod found for corner;

South 73 degrees 05 minutes 24 seconds East, 498.23 feet to a one-half inch iron rod found for corner;

Northeasterly, 467.12 feet along a curve to the left which has a central angle of 86 degrees 08 minutes 55 seconds, a radius of 310.67 feet, a tangent of 290.46 feet, and whose chord bears North 63 degrees 50 minutes 08 seconds East, 424.34 feet to a one-half inch iron rod found for corner;

North 20 degrees 45 minutes 41 seconds East, 166.22 feet to a one-half inch iron rod found for corner in the southwest right-of-way line of U.S. Highway No. 80 (a 300 foot wide right-of-way);

THENCE South 69 degrees 21 minutes 06 seconds East, 266.73 feet along the southwest right-of-way line of U.S. Highway No. 80 to a one-half inch iron rod found for corner at the northwest corner of Lot 1R, Block 1, Camelot Addition, an addition to the City of Mesquite as recorded in Volume 95039, Page 3798, Dallas County Deed Records;

THENCE along the west line of said Camelot Addition as follows:

South 19 degrees 15 minutes 36 seconds West, 214.65 feet to a one-half inch iron rod found for corner;

North 69 degrees 14 minutes 19 seconds West, 174.37 feet to a one-half inch iron rod found for corner;

South 19 degrees 09 minutes 43 seconds West, 234.49 feet to a one-half inch iron rod found for corner;

South 69 degrees 14 minutes 19 seconds East, 15.00 feet to a one-half inch iron rod found for corner;

South 00 degrees 05 minutes 53 seconds East, 234.00 feet to a "X" in concrete found for corner;

North 89 degrees 36 minutes 45 seconds West, 86.78 feet to a one-half inch iron rod found for corner;

South 00 degrees 29 minutes 08 seconds West, 455.00 feet to a "X" in concrete found for corner;

THENCE South 45 degrees 29 minutes 08 seconds West, 56.58 feet to a one-half inch iron rod found for corner in the north right-of-way line of Samuell Boulevard;

THENCE North 89 degrees 30 minutes 51 seconds West, 919.96 feet along the north right-of-way line of Samuell Boulevard to the POINT OF BEGINNING and containing 968,887 square feet or 22.243 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

TRACT 2

BEING a parcel of land in the City of Mesquite, Dallas County, Texas, a part of the W.O. Abbott Survey, Abstract No. 34, and being all of Tract B conveyed to Don Valk as recorded in Volume 99217, Page 5515, Dallas County Deed Records, and being all of Tract 5 conveyed to Nancy Sanderson York as recorded in Volume 2004236, Page 1006, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found for corner at the intersection of the east right-of-way line of Big Town Boulevard (a 98 foot wide right-of-way) with the north right-of-way line of Paces Court (a 60 foot wide right-of-way);

THENCE along the east right-of-way line of Big Town Boulevard as follows:

North 01 degrees 24 minutes 45 seconds East, 80.89 feet to a one-half inch iron rod found for corner;

North 46 degrees 52 minutes 45 seconds East, 164.72 feet to a one-half inch iron rod found for corner;

North 00 degrees 56 minutes 05 seconds East, 284.70 feet to a one-half inch iron rod found for corner in the southwest right-of-way line of U.S. Highway No. 80 (a 300 foot wide right-of-way);

THENCE along the southwest right-of-way line of U.S. Highway No. 80 as follows:

South 69 degrees 19 minutes 50 seconds East, 823.04 feet to a one-half inch iron rod found for corner;

South 69 degrees 21 minutes 06 seconds East, 126.61 feet to a one-half inch iron rod found for corner in the west right-of-way line of Paces Court;

THENCE along the north and west right-of-way line of Paces Court as follows:

South 20 degrees 45 minutes 41 seconds West, 166.10 feet to a one-half inch iron rod found for corner;

Southwesterly, 376.90 feet along a curve to the right which has a central angle of 86 degrees 08 minutes 55 seconds, a radius of 250.67 feet, a tangent of 234.36 feet, and whose chord bears South 63 degrees 50 minutes 08 seconds West, 324.39 feet to a one-half inch iron rod found for corner;

North 73 degrees 05 minutes 24 seconds West, 498.23 feet to a one-half inch iron rod found for corner;

Northwesterly, 105.25 feet along a curve to the left which has a central angle of 15 degrees 29 minutes 51 seconds, a radius of 389.12 feet, a tangent of 52.95 feet, and whose chord bears North 80 degrees 50 minutes 19 seconds West, 104.93 feet to a one-half inch iron rod found for corner;

North 88 degrees 35 minutes 15 seconds West, 68.97 feet to the POINT OF BEGINNING and containing 377,249 square feet or 8.660 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.