

ORDINANCE NO. 3858
File No. 1353-36

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 GENERAL RETAIL TO R-3 SINGLE-FAMILY RESIDENTIAL; 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 General Retail to R-3 Single-Family Residential.

That the subject property is a 1.075-acre tract located in the 700 block of Winding Creek Road on the northwest corner of State Highway 352 and Winding Creek Road, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 19th day of March, 2007.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

Field Notes
File No. 1353-36

BEING a tract or parcel of land situated in the Thomas Scott Survey Abstract No. 1353, said tract being a part of a 63.9645 acre tract of land described in Deed to Delsanter & Associates, Inc. recorded in volume 83250, Page 1315 of Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a ½" capped iron pin set for corner, said point being southeast corner of the Samuell Park Farms South Addition, as recorded in Volume 84244, Page 2035, D.R.D.C.T., said point also being in the south ROW line of the 15' alley;

THENCE, South 00°04'30" East, a distance of 394.13 feet to a ½" iron pin set for corner in the northeasterly ROW line of Winding Creek Drive (50' ROW);

THENCE, North 50°40'00" West, along said Winding Creek Drive ROW, a distance of 35.11 feet to ½" capped iron pin set for corner, at the beginning of a curve to the right, said curve having a central angle of 57°29'59", a radius of 335.00 feet and a chord that bears North 21°55'01" West, 322.26 feet;

THENCE, along said curve to the right and Winding Creek Drive ROW, a arc distance of 336.19 feet to a ½" capped iron pin found for corner;

THENCE, North 06°50'02" East, continuing along said Winding Creek Drive ROW, a distance of 89.87 feet to a ½" capped iron pin set for corner, in the said south ROW of a 15' Alley;

THENCE, South 83°09'58" East, along said 15' Alley ROW, a distance of 137.21 feet to the Point of Beginning and containing 1.075 acres of land more or less. (46,848 Square Feet)