

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 AMENDMENTS TO THE PLANNED DEVELOPMENT DISTRICT KNOWN AS FALCON'S LAIR AND APPROVED BY ORDINANCE NO. 3287 THEREBY ADDING A PROVISION TO AIRPORT PROTECTION AND AMENDING THE DEVELOPMENT STANDARDS; 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 zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given all 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 grant a change of zoning approving amendments to the Planned Development District known as Falcon's Lair and approved by Ordinance No. 3287 thereby adding a provision to Airport Protection and amending the Development Standards.

That the following described amendments to Ordinance No. 3287, applicable to the subject property located on the east side of Lawson Road, generally in the area of the intersection of Berry Road and more fully described in the approved field notes in Exhibit "A" attached hereto, known as Falcon's Lair, are hereby adopted:

1. Amend by deleting Sections 1(A), 1(B), 1(C) and Exhibits "B," "C" and "D" in their entirety.
2. Amend by adding a new Section 1(A) to read as follows:
 - A. *Development Standards*

Development shall be either Traditional Neighborhood Development or Clustered Land Development in conformance with the Interim K-20 Development Code.

3. Amend by deleting Section 1(D)(1) in its entirety and adding a new Section 1(D)(1) to read as follows:

D. Airport Protection

1. *Runway Protection Zone 4*: Any development within the Runway Protection Zone, as identified in "A" of this ordinance shall be subject to approval by the FAA and the City of Mesquite.

That the subject property is located on the east side of Lawson Road, generally in the area of the intersection of Berry 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.

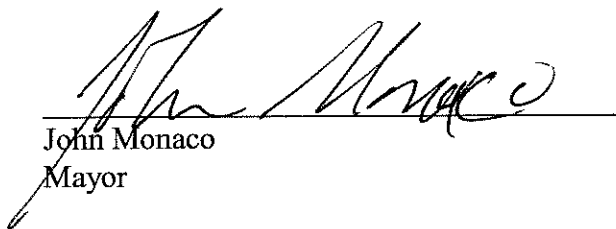
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 2nd day of March, 2009.



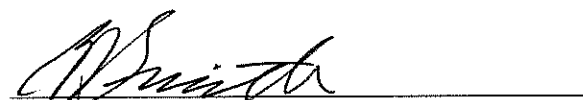
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

PROPERTY DESCRIPTION

Being 626.07 acres of land more or less out of the M.L. Swing Survey, Abstract No. 1398, James S. Ramsey Survey, Abstract No. 1189, Swing and Laws Survey, Abstract No. 1403, Isaac Edwards Survey, Abstract No. 1656, and the C. Taylor Survey, Abstract No. 1482, City of Mesquite, Dallas County, Texas consisting of all of the tract of land belonging to Falcon's Lair, Ltd. as recorded in Volume 97204, Page 2008; all of the tract of land belonging to the City of Mesquite as recorded in Volume 4896, Page 83; all of the tract of land belonging to the City of Mesquite as recorded in Volume 4910, Page 236, and described as Tract II; and parts of the tracts of land belonging to the City of Mesquite as recorded in Volume 4743, Page 89, and described as Tracts I, II, and III, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a round 3/8-inch iron rod in or near the centerline of Lawson Road, also being the most Northerly corner of tract of land conveyed from J. F. Langley to D.P.H. Cartwright et ux, by a deed dated November 22, 1880, as recorded in Volume 48, Page 637, of the Deed Records of Dallas County, Texas, same point being on the northwest line of the M L. Swing Survey, No. 92-F as surveyed by W. H. Thomas (County Surveyor) on May 28, 1863, and on the southeast line of the John P. Anderson Survey Abstract No. 1, Survey No. 38, as surveyed by R. A. Terrel (Deputy Surveyor) dated June 6, 1944.

THENCE North 44 degrees 48 minutes 11 seconds East, along or near the centerline of said Lawson Road and M. L. Swing and J. P. Anderson Survey line a distance of 2500.55 feet to a 3/8-inch iron rod found for corner.

THENCE North 49 degrees 14 minutes 11 seconds East, along or near the centerline of said Lawson Road departing from said survey line a distance of 705.75 feet to a found 3/8 inch rod for corner.

THENCE North 43 degrees 12 minutes 41 seconds East, along or near the centerline of said Lawson Road a distance of 1856.51 feet to a found 3/8 inch iron rod found for corner, being on the northwest line of the James R. Ramsey Survey Abstract No. 1189, Survey No. 40 as surveyed by R. A. Terrel (Deputy Surveyor) on June 15, 1844, same point being on the southeast line of the W. W. Bruten Survey Abstract No. 160 Survey No. 165-F as surveyed by R. B. Murphy (County Surveyor) on January 22, 1871.

THENCE North 44 degrees 53 minutes 44 seconds East, along or near the centerline of said Lawson Road and along said J. S. Ramsey and W. W. Bruten Survey line a distance of 800.29 feet to a found 1/2 inch rod for corner, same point being the most northerly corner of a tract of land from A. Lindsey to L. W. Cartwright in a deed dated August 31, 1901, as recorded in Volume 279, Page 20, same tract called tract 5 in said Falcon's Lair, Ltd. Deed, same corner being the most westerly corner of a tract of land from Lillie Barnes et al, to R. E. Berry as recorded in Volume 528, Page 254, dated June 28, 1911:

THENCE South 45 degrees 06 minutes 16 seconds East along or near a fence line, also being the Northeast line of said Tract 5, also being the southwest line of said R. E. Berry tract, a distance of 2265.00 feet to a found 3/8-inch iron rod on the west high bank of the East Fork of the Trinity River, same point being a corner of said Tract 5 and R. E. Berry tract:

THENCE along the said west high bank of the East Fork of the Trinity River, the following calls while in route passing the southwest line of aforementioned Ramsey Survey, same line being the northeast line of the Swing and Laws survey, A-1403 Survey #207-T as surveyed by W. H. Thomas (county surveyor) on November 15, 1861, same line being the northeast line of a tract of land form J. S. Neat, et ux, to L. W. Cartwright as recorded in Volume 1279, Page 348 on January 29, 1926, same tract called Tract 4 in said Falcon's Lair, Ltd. Deed.

South 76 degrees 13 minutes 10 seconds West, a distance of 221.30 feet to a found 3/8-inch iron rod for corner.

South 42 degrees 29 minutes 11 seconds West, a distance of 174.00 feet to a found 3/8-inch iron rod for corner

South 03 degrees 49 minutes 11 seconds West, a distance of 125.00 feet to a found 3/8-inch iron rod for corner.

South 20 degrees 50 minutes 49 seconds East, a distance of 117.00 feet to a found 3/8-inch iron rod for corner.

South 13 degrees 09 minutes 11 seconds West, a distance of 119.00 feet to a found 3/8-inch iron rod for corner.

South 01 degrees 09 minutes 11 seconds West, a distance of 92.00 feet to a found 3/8-inch iron rod for corner.

South 45 degrees 50 minutes 49 seconds East, a distance of 166.00 feet to a found 3/8-inch iron rod for corner.

South 76 degrees 21 minutes 49 seconds East, a distance of 80.00 feet to a found 3/8-inch iron rod for corner.

South 51 degrees 53 minutes 49 seconds East, a distance of 128.00 feet to a found 3/8-inch iron rod for corner.

South 85 degrees 54 minutes 49 seconds East, a distance of 80.00 feet to a found 3/8-inch iron rod for corner.

South 34 degrees 24 minutes 49 seconds East, a distance of 605.00 feet to a found 3/8-inch iron rod for corner.

South 19 degrees 15 minutes 11 seconds West, a distance of 431.00 feet to a found 3/8-inch iron rod for corner.

South 04 degrees 10 minutes 11 seconds West, a distance of 183.00 feet to a found 3/8-inch iron rod for corner.

South 45 degrees 49 minutes 49 seconds East, a distance of 440.00 feet to a found 3/8-inch iron rod for corner.

South 39 degrees 50 minutes 11 seconds West, a distance of 442.00 feet to a found 3/8-inch iron rod for corner.

South 18 degrees 09 minutes 49 seconds East, a distance of 135.00 feet to a found 3/8-inch iron rod for corner.

South 02 degrees 18 minutes 11 seconds West, a distance of 169.00 feet to a found 3/8-inch iron rod for corner.

South 51 degrees 48 minutes 11 seconds West, a distance of 160.00 feet to a found 3/8-inch iron rod for corner.

North 84 degrees 41 minutes 49 seconds West, a distance of 190.00 feet to a found 3/8-inch iron rod for corner.

South 55 degrees 33 minutes 11 seconds West, a distance of 567.00 feet to a found 3/8-inch iron rod for corner.

South 36 degrees 03 minutes 11 seconds West, a distance of 128.00 feet to a found 3/8-inch iron rod for corner.

South 12 degrees 58 minutes 11 seconds West, a distance of 121.00 feet to a found 3/8-inch iron rod found for corner, same point being on the Northeast line of said Swing and Laws Survey, same being the Northeast line of said Tract 4, same line being the Northwest line of the Isaac Edwards Survey, Abstract No. 1658, Survey #188-D, as surveyed by John H. Cole (county surveyor) on June 10, 1858, same said line

being the Northwest line of a tract of land from T. J. Stratton to J. Shawver as recorded in Book P, Page 156, dated January 22, 1872:

THENCE South 44 degrees 48 minutes 11 seconds West, departing from said River high bank and following the Northeast line of said Tract 4 and the Northeast line of said Swing and Laws Survey, also being the Northwest line of said Isaac Edwards Survey and J. Shawver tract, passing the most southerly corner of said Tract 4, same being the most southerly corner of said Swing and Laws Survey, same point being the most easterly corner of the C. Taylor Survey Abstract No. 1482, Survey #194-T, as surveyed by W. H. Thomas on December 31, 1860, same point also being the most easterly corner of a tract of land from D.P.H. Cartwright to I. W. Cartwright as recorded in Volume 1279, Page 346, dated January 25, 1926, same tract called Tract 1 in said Falcon's Lair, Ltd. Deed, continuing on same bearing along the Northeast line of said Tract 1 and C. Taylor Survey for a total distance of 2815.00 feet to a found 3/8-inch iron rod for corner, same point being the most westerly corner of said J. Shawver tract also being the most northerly corner of a tract of land from S. O. Johan and wife, Jennie, to W. J. Barry as recorded in Volume 313, Page 186, dated August 22, 1902, same tract being called Tract 7 in said Falcon's Lair, Ltd. deed:

THENCE South 45 degrees 11 minutes 49 seconds East partly along the Southwest line of said J. Shawver tract and said Tract 7 passing the most easterly corner of said tract 7, same point being the most southerly corner of said J. Shawver tract, same point being the most northerly corner of a tract of land from J. W. Vinyard to S. O. Juhau in 1987, also being the most northerly corner of a tract referred to as Tract 8 in said Falcon's Lair, Ltd. deed, same point being the most westerly corner of a tract of land from W.J. Porter to J. C. Wright as recorded in Volume 573, Page 213, dated March 8, 1913; continuing same bearing now along the northeast line of said S. O. Juhau tract and said tract 8 and partly along said J. C. Wright tract while passing its most southerly corner same point being the most westerly corner of a tract of land from W. J. Porter, C. W. Hood and wife, to P. B. Liles as recorded in Volume 570, Page 542, dated March 9, 1913, continuing along and Jahau ract and Tract 8 Northeast line and now also along the Southwest line of said P.B. Liles tract for a total distance of 1466.67 feet to a found 3/8-inch iron rod for corner, same point being the most southerly corner of said P. B. Liles tract, same point being the most Easterly corner of said Juan tract and said Tract 8, same point being on the Northwest line of a tract of land from J. R. Garner and wife to H. W. Lawson as recorded in Volume 736, Page 22;

THENCE South 44 degrees 40 minutes 11 seconds West partly along the southeast line of said Tract 8 and the northwest line of said City of Mesquite tract passing the most southerly corner of said Tract 8, same point being the most easterly corner of a tract of land belonging to the City of Mesquite as recorded in Volume 4910, Page 236 (Tract 11), continuing on same bearing along the southeast line of said City of Mesquite Tract 11 and along the northwest line of said City of Mesquite Tract 1 passing the most southerly corner of said City of Mesquite Tract 11, same point being the most easterly corner of a tract of land belonging to the City of Mesquite as recorded in Volume 4896, Page 83, continuing o the same bearing along a line dividing the two City of Mesquite tracts for a total distance of 2,157.89 feet to point being the most westerly corner of said City of Mesquite Tract 1, same point being the most southerly corner of said City of Mesquite tract as recorded in Volume 4896, Page 83, same point being located on the northern boundary of a tract of land belonging to Falcon's Lair Ltd. as recorded in Volume 97204, Page 2013;

THENCE along or near the centerline of South Mesquite Creek and along the northern boundary of said Falcon's Lair, Ltd. tract and along the southern boundary of said City of Mesquite tract the following calls, while in route passing along the most southerly line of said Isaac Edwards Survey, same line being the most northerly line of the John M. Harding Survey, Abstract No. 569, Survey No. 39-C;

North 27 degrees 04 minutes 23 seconds West, a distance of 213.22 feet to a point for corner;

North 54 degrees 03 minutes 28 seconds West, a distance of 296.44 feet to a point for corner;

North 42 degrees 50 minutes 07 seconds West, a distance of 411.82 feet to a point for corner;

North 59 degrees 02 minutes 10 seconds West, a distance of 116.62 feet to a point for corner;

North 41 degrees 17 minutes 25 seconds West, a distance of 293.37 feet to a point for corner;

North 52 degrees 57 minutes 13 seconds West, a distance of 154.99 feet to a point for corner, same point being the northernmost corner of said Falcon's Lair, Ltd. tract, same point being the easternmost corner of a tract of land belonging to the City of Mesquite as recorded in Volume 4743, Page 89 (Tract II), same point being the

southernmost corner of the Calvin Taylor Survey, Abstract No. 1482, same point being the westernmost corner of said Isaac Edwards Survey;

THENCE North 44 degrees 48 minutes 11 seconds East, along the southeast line of said City of Mesquite Tract II, same line being the northwest line of said City of Mesquite tract recorded in Volume 4896, Page 83, same line being the southeast line of said Calvin Taylor Survey, same line being the northwest line of said Isaac Edwards Survey a distance of 387.36 feet to a point for corner;

THENCE North 14 degrees 48 minutes 49 seconds East, departing said tract boundaries and survey line a distance of 58.27 feet to the point of curvature of a circular curve to the right and having a radius of 380.00 feet;

THENCE along the arc of said circular curve through a central angle of 29 degrees 59 minutes 21 seconds for a distance of 198.90 feet to a point of tangency;

THENCE North 44 degrees 48 minutes 11 seconds East, a distance of 749.27 feet to the point of curvature of a circular curve to the left and having a radius of 420.00 feet;

THENCE Northwesterly along the arc of said circular curve through a central angle of 89 degrees 54 minutes 48 seconds for a distance of 659.10 feet to a point of tangency;

THENCE North 45 degrees 07 minutes 21 seconds West, a distance of 1,679.28 feet to a point of curvature of a circular curve to the right and having a radius of 380.00 feet;

THENCE Northwesterly along the arc of said circular curve through a central angle of 60 degrees 17 minutes 12 seconds for a distance of 399.84 feet to a point of tangency;

THENCE North 15 degrees 09 minutes 53 seconds East, a distance of 5.71 feet to a point for corner, said point being on the southwest boundary of said Falcon's Lair, Ltd. property, same point being on the northeast boundary of a tract of land belonging to the City of Mesquite as recorded in Volume 4743, Page 89 (Tract I), same point being on the northeast survey line of said John M. Harding Survey, same point being on the southwest survey line of said M. L. Swing Survey;

THENCE North 45 degrees 07 minutes 21 seconds West, along said Falcon's Lair, Ltd. tract boundary, City of Mesquite tract boundary and said M. L. Swing and John M. Harding survey line a distance of 1,809.90 feet to the POINT OF BEGINNING AND CONTAINING in all 626.07 acres of land more or less.