

ORDINANCE NO. 3960
File No. NR1-6

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 PLANNED DEVELOPMENT – GENERAL RETAIL, GENERAL RETAIL, OFFICE AND R3 SINGLE-FAMILY RESIDENTIAL TO CIVIC; 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 Planned Development – General Retail, General Retail, Office and R3 Single-Family Residential to Civic.

That the subject property is an 8.265-acre tract located in the 1500 block of North Galloway at Range Road that includes various City-owned properties including the Municipal Center, the Mesquite Arts Center, related parking and vacant residential lots, and is described more fully in the approved legal descriptions in Exhibits “A” and “B” 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.

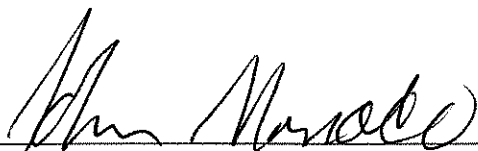
To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

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.

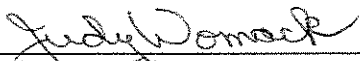
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of May, 2008.



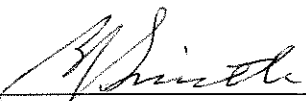
John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

OWNER'S CERTIFICATE

STATE OF TEXAS

COUNTY OF DALLAS

BLOCK 1

WHEREAS, the City of Mesquite is the owner of a 7.728 acre tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, and the M.L. Swing Survey, Abstract No. 1397, Dallas County, Texas; said tract being all of a called 0.28 acre tract of land described in General Warranty Deed to the City of Mesquite, Texas recorded in Volume 94119, Page 7103 of the Deed Records of Dallas County, Texas, all of a called 3.119 acre tract of land described in Warranty Deed to the City of Mesquite, Texas recorded in Volume 91031, Page 5110 of said Deed Records, all of a called 2.896 acre tract of land described in Special Warranty Deed to the City of Mesquite, Texas recorded in Volume 88087, Page 5691 of said Deed records, and all of Lots 1-7, Block 1, Replat, Northridge Estates No. 1, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 26, Page 157 of the Map Records of Dallas County, Texas; said 7.728 acre tract being more particularly described as follows:

BEGINNING, at a "+" cut in concrete found for corner at the intersection of the southwest right-of-way line of North Galloway Avenue (a variable width right-of-way) and the southeast right-of-way line of Summit Street (a 50-foot wide right-of-way);

THENCE, South 45 degrees, 37 minutes, 47 seconds East, along the said southwest line of North Galloway Avenue, a distance of 732.58 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for the beginning of a curve to the right;

THENCE, continuing along the said southwest line of North Galloway Avenue and along said curve to the right, having a central angle of 13 degrees, 55 minutes, 49 seconds, a radius of 468.91 feet, a chord bearing and distance of South 37 degrees, 01 minutes, 12 seconds East, 113.73 feet, an arc distance of 114.01 feet to 1/2-inch iron rod set for corner; said point being at the intersection of the said southwest line of N. Galloway Avenue and the northeast right-of-way line of Willowbrook Drive (a 50-foot wide right-of-way);

THENCE, South 75 degrees, 36 minutes, 55 seconds West, departing the said southwest line of North Galloway Avenue, along the said northeast line of Willowbrook Drive, a distance of 483.94 feet to a "+" cut in concrete set for corner; said point being the beginning of a non-tangent curve to the right;

THENCE, along said curve to the right, having a central angle of 58 degrees, 44 minutes, 15 seconds, a radius of 90.95 feet, a chord bearing and distance of North 75 degrees, 21 minutes, 02 seconds West, 89.21 feet, an arc distance of 93.24 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve; said point being in the northeast right-of-way line of Crest Park Drive (a 50-foot wide right-of-way);

THENCE, North 45 degrees, 37 minutes, 47 seconds West, along the said northeast line of Crest Park Drive, a distance of 516.53 feet to a 3/8-inch iron rod found for corner at the intersection of the said northeast line of Crest Park Drive and the said southeast line of Summit Street;

THENCE, North 44 degrees, 22 minutes, 13 seconds East, along the said southeast line of Summit Street, a distance of 475.00 feet to the POINT OF BEGINNING;

CONTAINING: 336,652 square feet or 7.728 acres of land, more or less.

OWNER'S CERTIFICATE

STATE OF TEXAS

COUNTY OF DALLAS

BLOCK 2

WHEREAS, the City of Mesquite is the owner of a 0.542 acre tract of land situated in the M.L. Swing Survey, Abstract No. 1397, Dallas County, Texas; said tract being all of Lot 1, Block 1, Hillview Addition, an addition to the City of Mesquite, Dallas County, Texas according to the plat recorded in Volume 21, Page 191 of the Map Records of Dallas County, Texas; and all of Lot 2A, Block 1, Replat Hillview Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the plat recorded in Volume 72053, Page 2337 of said Map Records; said 0.542 acre tract being more particularly described as follows:

BEGINNING, at a "+" cut in concrete set for corner at the intersection of the southwest right-of-way line of N. Galloway Avenue (a 100-foot wide right-of-way) and the southeast right-of-way line of Willowbrook Drive (a 50-foot wide right-of-way); said point being the north corner of said Lot 1; said point also being the beginning of a non-tangent curve to the right;

THENCE, along the said southwest line of N. Galloway Avenue and said curve to the right, having a central angle of 10 degrees, 50 minutes, 14 seconds, a radius of 478.91 feet, a chord bearing and distance of South 19 degrees, 47 minutes, 53 seconds East, 90.45 feet, an arc distance of 90.58 feet to a point at the end of said curve;

THENCE, South 14 degrees, 22 minutes, 46 seconds East, continuing along the said southwest line of N. Galloway Avenue, a distance of 127.10 feet to a 5/8-inch iron rod found for the east corner of said Lot 2A;

THENCE, South 75 degrees, 37 minutes, 14 seconds West, departing the said southwest line of N. Galloway Avenue and along the southeast line of said Lot 2A, a distance of 110.00 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for the south corner of said Lot 2A; said point also being in the northeast line of a 15-foot wide alley;

THENCE, North 14 degrees, 22 minutes, 46 seconds West, along the northeast line of said alley, a distance of 217.10 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner at the intersection of the said northeast line of 15-foot alley and the southeast line of said Willowbrook Drive; said point being the west corner of said Lot 1; from said point a 1/2-inch iron rod found bears North 85 degrees, 52 minutes West, a distance of 0.5 feet;

THENCE, North 75 degrees, 35 minutes, 39 seconds East, along the said southeast line of Willowbrook Drive, a distance of 101.46 feet to the POINT OF BEGINNING;

CONTAINING: 23,628 square feet or 0.542 acres of land, more or less.