

ORDINANCE NO. 4421
File No. 1-41-2016

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 RESIDENTIAL TO PLANNED DEVELOPMENT - AGRICULTURAL ON PROPERTY LOCATED AT 2757 MESQUITE VALLEY ROAD THEREBY ALLOWING A SINGLE-FAMILY DETACHED DWELLING AND CROP PRODUCTION SUBJECT TO A SINGLE STIPULATION; 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 from R-3 Single Family Residential to Planned Development - Agricultural with the stipulation that the use on the site shall be limited to one single-family detached dwelling and crop production (SIC 01).

That the subject property is approximately a two-acre tract located at 2757 Mesquite Valley Road and is more fully described in the legal description attached hereto as Exhibit "A."

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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

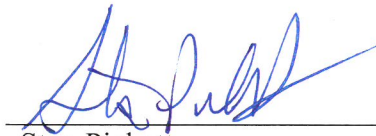
and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

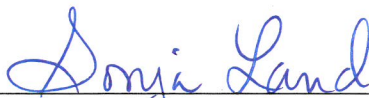
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of May, 2016.



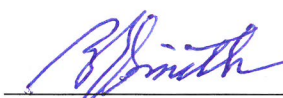
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

Metes and Bounds Description:

A TRACT OF LAND IN THE J.P. ANDERSON 26 LEAGUE SURVEY, ABSTRACT NO. 1, DALLAS COUNTY, TEXAS, A PORTION OF A 36.31 ACRE TRACT CONVEYED TO BUDDY EDWIN COPELAND AND RUTH ANN BUCKMAN BY DEED RECORDED IN VOLUME 97124, PAGE 2892, DEED RECORDS, DALLAS COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD SET FOR CORNER AT THE MOST NORTHERLY CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF MESQUITE BY DEED RECORDED IN VOLUME 93098, PAGE 2906, DEED RECORDS, DALLAS COUNTY, TEXAS, AND IN THE SOUTH RIGHT-OF-WAY LINE OF AN 18 FOOT ALLEY;

THENCE SOUTH 16° 43' 44" WEST, ALONG THE WEST LINE OF SAID CITY OF MESQUITE TRACT, A DISTANCE OF 4.80 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER, SAID POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03° 23' 07", A RADIUS OF 465.00 FEET, A CHORD BEARING OF SOUTH 79° 15' 24" WEST, AND A CHORD LENGTH OF 27.47 FEET;

THENCE ALONG SAID CURVE TO THE LEFT AND ALONG THE NORTH PROPERTY LINE OF SAID CITY OF MESQUITE TRACT FOR AN ARC LENGTH OF 27.47 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF MESQUITE VALLEY ROAD (VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 37° 55' 04", A RADIUS OF 429.95 FEET, A CHORD BEARING OF SOUTH 87° 39' 15" WEST, AND A CHORD LENGTH OF 279.38 FEET;

THENCE ALONG SAID CURVE TO THE LEFT AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MESQUITE VALLEY ROAD, AN ARC LENGTH OF 284.54 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 68° 41' 54" WEST ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF MESQUITE VALLEY ROAD, A DISTANCE OF 315.29 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER AT THE EAST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF MESQUITE BY DEED RECORDED IN VOLUME 95113, PAGE 1127, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 38° 51' 55" WEST ALONG THE NORTHEAST PROPERTY LINE OF SAID CITY OF MESQUITE TRACT (VOLUME 95113, PAGE 1127), A DISTANCE OF 46.29 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER IN THE SOUTHEAST LINE OF LOT 82, BLOCK 1 OF THE REPLAT OF INDIAN TRAILS, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 86140, PAGE 3370, MAP RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 44° 22' 33" EAST ALONG THE SOUTHEAST LINE OF SAID LOT 82, PASSING THE SOUTH CORNER OF LOT 83, BLOCK 1 OF SAID REPLAT OF INDIAN TRAILS AT A DISTANCE OF 66.29 FEET, AND CONTINUING ALONG THE SOUTHEAST LINE OF SAID LOT 83 FOR A TOTAL DISTANCE OF 514.42 FEET TO A 1/2 INCH IRON ROD FOUND IN THE SOUTHWEST LINE OF LOT 24, BLOCK 4 OF CREEK CROSSING ESTATES NO. 5, PHASE II, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 93133, PAGE 5689, MAP RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 45° 15' 58" EAST ALONG THE SOUTHWEST LINE OF SAID LOT 24, PASSING THE MOST SOUTHEASTERLY CORNER OF LOT 24 IN THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID 18 FEET ALLEY AT A DISTANCE OF 179.86 FEET, AND CONTINUING ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID 18 FEET ALLEY FOR A TOTAL DISTANCE OF 380.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 93,135.85 SQUARE FEET OR 2.1381 ACRES OF LAND.

NOTES:

1. ALL EASEMENTS SHOWN ON THIS SURVEY ARE PER THE ABOVE DESCRIBED PLAT, UNLESS OTHERWISE NOTED.