

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120, DULY PASSED BY THE CITY COUNCIL ON MAY 3, 1955, AND AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "R" RESIDENTIAL CLASSIFICATION TO "C" COMMERCIAL CLASSIFICATION UNDER A SPECIAL PERMIT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND IN THE W. O. ABBOTT SURVEY, ABSTRACT NO. 34, DALLAS COUNTY, TEXAS, AND BEING ALSO IN THE CITY OF MESQUITE, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF BIG TOWN BLVD. AND THE CENTERLINE OF JOHN WEST ROAD (SHOWN ON SOME RECORDS AS THE NORTH LINE OF THE W. O. ABBOTT SURVEY); THENCE SOUTH 0 DEGREES 11 MINUTES WEST ALONG THE CENTERLINE OF BIG TOWN BLVD. A DISTANCE OF 60 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49 MINUTES EAST A DISTANCE OF 20 FEET TO THE PLACE OF BEGINNING OF THIS SURVEY; THENCE NORTH 57 DEGREES 22 MINUTES EAST A DISTANCE OF 75.92 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF JOHN WEST ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF JOHN WEST ROAD SOUTH 89 DEGREES 35 MINUTES 30 SECONDS EAST A DISTANCE OF 791.00 FEET TO A POINT FOR A CORNER; THENCE SOUTH 0 DEGREES 09 MINUTES 30 SECONDS WEST A DISTANCE OF 25.70 FEET TO A POINT FOR A CORNER; THENCE NORTH 89 DEGREES 22 MINUTES 51 SECONDS EAST A DISTANCE OF 624.81 FEET TO A POINT FOR A CORNER; THENCE SOUTH 0 DEGREES 5 MINUTES 25 SECONDS WEST A DISTANCE OF 145.96 FEET TO A POINT IN THE NORTHWEST RIGHT-OF-WAY LINE OF U. S. HIGHWAY NO. 67; THENCE ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF U. S. HIGHWAY NO. 67 SOUTH 61 DEGREES 04 MINUTES WEST A DISTANCE OF 1019.28 FEET TO A POINT FOR A CORNER; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST A DISTANCE OF 540.10 FEET TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF BIG TOWN BLVD.; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF BIG TOWN BLVD. NORTH 15 DEGREES 14 MINUTES WEST A DISTANCE OF 185.16 FEET TO A CONCRETE HIGHWAY MARKER; THENCE CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF BIG TOWN BLVD. NORTH 0 DEGREES 11 MINUTES EAST A DISTANCE OF 440.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.897 ACRES OF LAND; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO PLANS AND SPECIFICATIONS SUBMITTED THEREFOR WHICH SHALL BE APPROVED BY THE PLANNING AND INSPECTION DEPARTMENT; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan 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 the granting of special permits 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 said special permit should be granted herein, subject to the conditions set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 120 of the City of Mesquite, Texas, duly passed by the Governing Body of the City of Mesquite on the 3rd day of May, 1955, be, and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to give the following described property a "C" Commercial Classification under a special permit, described as follows:

Being a tract of land in the W. O. Abbott Survey, Abstract No. 34, Dallas County, Texas, and being also in the City of Mesquite, Texas, and being more particularly described as follows:

Commencing at a point formed by the intersection of the centerline of Big Town Blvd. and the centerline of John West Road (shown on some records as the North line of the W. O. Abbott Survey);

Thence South $0^{\circ} 11'$ West along the centerline of Big Town Blvd. a distance of 60 feet to a point;

Thence South $89^{\circ} 49'$ East a distance of 20 feet to the place of beginning of this survey;

Thence North $57^{\circ} 22'$ East a distance of 75.92 feet to a point in the South right-of-way line of John West Road;

Thence along the South right-of-way of John West Road South $89^{\circ} 35' 30''$ East a distance of 791.00 feet to a point for a corner;

Thence South $0^{\circ} 09' 30''$ West a distance of 25.70 feet to a point for a corner;

Thence North $89^{\circ} 22' 51''$ East a distance of 624.81 feet to a point for a corner;

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Thence South $0^{\circ} 5' 25''$ West a distance of 145.96 feet, to a point in the Northwest right-of-way line of U. S. Highway No. 67;

Thence along the Northwest right-of-way line of U. S. Highway No. 67 South $61^{\circ} 04'$ West a distance of 1019.28 feet to a point for a corner;

Thence North $89^{\circ} 38' 30''$ West a distance of 540.10 feet to a point in the East right-of-way line of Big Town Blvd.;

Thence along the East right-of-way line of Big Town Blvd. North $15^{\circ} 14'$ West a distance of 185.16 feet to a concrete highway marker;

Thence continuing along the East right-of-way line of Big Town Blvd. North $0^{\circ} 11'$ East a distance of 440.70 feet to the point of beginning and containing 16.897 acres of land.

SECTION 2. That the special permit for the "C" Commercial Classification use is approved and granted on the following express conditions and in accordance with Section IV of Ordinance No. 120 of the City of Mesquite:

(1) That prior to any issuance of any building permit, all conditions of the Minimum Development Ordinance No. 522 of the City must be complied with.

(2) That any and all signs or billboards placed on the property shall comply with Ordinances Nos. 452 and 453 of the City of Mesquite.

(3) A lot on which a multiple family dwelling is erected or converted shall contain not less than 1,200 square feet per family.

(4) That whenever a structure is erected or converted for multiple dwelling use, one and one-half ($1\frac{1}{2}$) off-street parking spaces shall be provided on the lot, but not in the required front yard, for each dwelling unit in the structure, as indicated on the approved site plan.

SECTION 3. That the site plan for the above described tract of land, when approved by the Planning and Inspection Department, shall become a part of this ordinance for all purposes. A true copy of the site plan shall be retained in the office of the City Secretary and in the office of the Director of Public Works, on the above described tract of

land, for observance in connection with these improvements. That all paved areas, permanent drives, streets and drainage structures, if any, shall be constructed in accordance with standard City of Mesquite specifications adopted for such purposes and shall be done to the satisfaction of the City Engineer; that the entire cost of all such paved areas, permanent drives, streets and drainage structures, if any, shall be paid by the developer.

SECTION 4. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That the above described tract of land shall be used only in the manner and for the purposes provided for by Ordinance No. 120 of the City of Mesquite, as heretofore amended and as amended herein by the granting of this special permit.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance No. 120 of the City of Mesquite, as heretofore amended, and, upon conviction, shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 8. Whereas, the above described property requires that it be given the above zoning 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, and creates an urgency and an 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 the caption of said ordinance as the law in such cases provides.

DULY PASSED by the City Council on the 17 day of
February, 1964.

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY

APPROVED:

B. W. Cress
MAYOR

ATTEST:

Tommy H. McLaughlin
CITY SECRETARY