

ORDINANCE NO. 601

AN ORDINANCE OF THE CITY OF MESQUITE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964 SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A "C" COMMERCIAL CLASSIFICATION UNDER A SPECIAL PERMIT FOR DAY NURSERY AND PRIVATE SCHOOL, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A 182 FT. X 186 FT. TRACT OF LAND OUT OF THE T. THOMAS SURVEY, ABSTRACT #1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHERLY CORNER OF THE INTERSECTION OF GUS THOMASSON RD. AND LIVE OAK DRIVE; THENCE, NORTHEASTERLY ALONG THE NORTHWEST LINE OF LIVE OAK DRIVE A DISTANCE OF 116.05 FT. TO THE POINT OF BEGINNING OF THE SAID 182 X 186 FT. TRACT; THENCE, NORTHEASTERLY ALONG THE NW LINE OF LIVE OAK DRIVE A DISTANCE OF 186 FT. TO POINT FOR CORNER, SAID POINT BEING THE SOUTHERLY CORNER OF A 1.77 ACRE TRACT DEEDED TO C. & P. DEVELOPMENT COMPANY BY DEED DATED 4/17/63; THENCE, NORTHWESTERLY ALONG THE WESTERLY PROPERTY LINE OF THE SAID C. & P. DEVELOPMENT COMPANY 1.77 ACRE TRACT A DISTANCE OF 182 FT. TO POINT FOR CORNER; THENCE, SOUTHWESTERLY ALONG A LINE LOCATED AT ALL TIMES 182 FT. NORTHWESTERLY FROM AND PARALLEL TO THE NW LINE OF LIVE OAK DRIVE A DISTANCE OF 186 FT. TO POINT FOR CORNER; THENCE, IN A SOUTHEASTERLY DIRECTION A DISTANCE OF 182 FT. TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; 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 the Comprehensive Zoning Ordinance of 1964, duly passed by the Governing Body of the City of Mesquite on the 12th day of August, 1964, 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 for day nursery and private school, described as follows:

Being a 182 ft. X 186 ft. tract of land out of the T. Thomas

Survey, Abstract #1461, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the Northerly corner of the intersection of Gus Thomasson Rd. and Live Oak Drive;
THENCE, Northeasterly along the Northwest line of Live oak Drive a distance of 116.05 ft. to the point of beginning of the said 182 ft. X 186 ft. tract;
THENCE, Northeasterly along the NW line of Live Oak Drive a distance of 186 ft. to point for corner, said point being the Southerly corner of a 1.77 acre tract deeded to C. & P. Development Company by deed dated 4/17/63;
THENCE, Northwesterly along the Westerly property line of the said C. & P. Development Company 1.77 acre tract a distance of 182 ft. to point for corner;
THENCE, Southwesterly along a line located at all times 182 ft. Northwesterly from and parallel to the NW line of Live Oak Drive a distance of 186' to point for corner;
THENCE, in a Southeasterly direction a distance of 182 ft. to the place of beginning of this description.

SECTION 2. 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 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964, as heretofore amended and as amended herein by the granting of this special permit.

SECTION 4. 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 5. 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 of 1964, as heretofore amended, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 6. 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 2nd day of August, 1965.

George Bence
MAYOR

ATTEST:

Norman G. McLaughly
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY