

ORDINANCE NO. 636

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "I" INDUSTRY DISTRICT TO "LR" LOCAL RETAIL DISTRICT CLASSIFICATION, SAID PROPERTY BEING DESCRIBED AS FOLLOWS: SITUATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING THE ENTIRE WEST 300 FEET OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: BEING A PART OF THE JACOB LAKEY SURVEY, ABSTRACT NO. 810 AND A PART OF THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1024, CONTAINING 6.21 ACRES AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF KEARNEY STREET (70 FT. RIGHT OF WAY) SAID POINT BEING SOUTH 89 DEG. 59 MIN. 30 SEC. WEST 325 FT. FROM THE NORTHEAST CORNER OF THAT 7.33 ACRE TRACT DESCRIBED IN DEED FROM CARL M. BROWN TO HOWARD D. BROWN ET AL RECORDED IN VOLUME 3847, PAGE 424, DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE SOUTH 0 DEG. 21 MIN. 30 SEC. WEST 150.00 FT. TO AN IRON STAKE FOR CORNER; THENCE SOUTH 89 DEG. 59 MIN. 30 SEC. WEST 1707.70 FT. TO A POINT IN THE EAST LINE OF GROSS ROAD (40 FT. RIGHT OF WAY), AN IRON STAKE FOR CORNER; THENCE NORTH 0 DEG. 21 MIN. 30 SEC. WEST, ALONG THE EAST LINE OF GROSS ROAD, 85.19 FT. TO THE BEGINNING OF A CURVE TO THE RIGHT; AN IRON STAKE FOR CORNER; THENCE NORTHEASTERLY AND EASTERLY ALONG THE CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 133.50 FT., A CENTRAL ANGLE OF 113 DEG. 12 MIN. AN ARC DISTANCE OF 263.76 FT. TO A POINT OF REVERSE CURVE, AN IRON STAKE FOR CORNER; THENCE EASTERLY ALONG THE CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 751.34 FT. A CENTRAL ANGLE OF 22 DEG. 51 MIN. AN ARC DISTANCE OF 299.64 FT. TO THE POINT OF TANGENCY OF SAID CURVE, AN IRON STAKE FOR CORNER; THENCE NORTH 89 DEG. 59 MIN. 30 SEC. EAST ALONG THE SOUTH LINE OF KEARNEY ST., 1230.20 FT. TO THE POINT OF BEGINNING, AND CONTAINING 621 ACRES OF LAND; 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 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 said change of zoning should be granted 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 City Council of the City of Mesquite, Texas on the 17th 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 change of zoning from "I" Industry District to "LR" Local Retail District classification:

Situated in the City of Mesquite, Dallas County, Texas, and BEING THE ENTIRE WEST 300 feet of the following described property, to-wit:

Being a part of the Jacob Lakey Survey, Abstract No. 810 and a part of the McKinney and Williams Survey, Abstract No. 1024, containing 6.21 acres and being more fully described by metes and bounds as follows:

BEGINNING at a point in the South line of Kearney Street (70 ft. right of way) said point being South 89 deg. 59 min. 30 sec. West 325 ft. from the Northeast corner of that 7.33 acre tract described in deed from Carl M. Brown to Howard D. Brown et al recorded in Volume 3847, page 424, Deed Records of Dallas County, Texas;

THENCE South 0 deg. 21 min. 30 sec. West 150.00 ft. to an iron stake for corner;

THENCE South 89 deg. 59 min. 30 sec. West 1707.70 ft. to a point in the East line of Gross Road (40 ft. right of way), an iron stake for corner;

THENCE North 0 deg. 21 min. 30 sec. West, along the East line of Gross Road, 85.19 ft. to the Beginning of a curve to the right, an iron stake for corner;

THENCE Northeasterly and Easterly along the curve to the right, said curve having a radius of 133.50 ft., a central angle of 113 deg. 12 min. an arc distance of 263.76 ft. to a point of reverse curve, an iron stake for corner;

THENCE Easterly along the curve to the left, said curve having a radius of 751.34 ft., a central angle

of 22 deg. 51 min. an arc distance of 299.64 ft. to the point of tangency of said curve, an iron stake for corner;

THENCE North 89 deg. 59 min. 30 sec. East along the South line of Kearney St., 1230.20 ft. to the POINT OF BEGINNING, and containing 6.21 acres of land.

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 purpose provided for by the Comprehensive Zoning Ordinance of 1964.

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 thereof 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 of the City of Mesquite, 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 4 day of April, 1966.

APPROVED:

*George Payne*  
MAYOR

APPROVED AS TO FORM:

*B. Robert Baker*  
ATTORNEY

ATTEST:

*Tom G. M. Gough*  
CITY SECRETARY