

ORDINANCE NO. 639

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 "LR" LOCAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT CLASSIFICATION: BEING A TRACT OF LAND SITUATED IN THE T. THOMAS SURVEY, ABSTRACT NO. 1461, IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF AN ORIGINAL 36.5 ACRE TRACT CONVEYED TO J. B. GALLOWAY AND W. B. HAILEY BY JOHN S. BYRD AND WIFE, DOROTHY M. BYRD, AS RECORDED IN VOLUME 2952, PAGE 64, OF THE DALLAS COUNTY DEED RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF OATES ROAD AND THE SOUTHWESTERLY LINE OF FORREST DRIVE; THENCE SOUTH 44 DEGREES 43 MINUTES WEST, ALONG SAID NORTHWESTERLY LINE OF OATES ROAD, APPROXIMATELY 146 FEET TO THE EAST CORNER OF A 1.03 ACRE TRACT CONVEYED TO THE SOUTHWESTERN BELL TELEPHONE CO. BY J. B. GALLOWAY AND W. B. HAILEY AS RECORDED IN VOLUME 4044, PAGE 233, DALLAS COUNTY DEED RECORDS, AN IRON STAKE FOR CORNER; THENCE NORTH 45 DEGREES 17 MINUTES WEST, ALONG THE NORTHEASTERLY LINE OF SAID 1.03 ACRE TRACT, 150 FEET TO ITS NORTH CORNER, AN IRON STAKE FOR CORNER; THENCE EAST APPROXIMATELY 146 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF FORREST DRIVE; THENCE ALONG THE SOUTHWESTERLY LINE OF FORREST DRIVE 150 FEET TO A POINT ON THE NORTHWESTERLY LINE ON OATES DRIVE TO THE PLACE OF BEGINNING; 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 "LR" Local Retail District to "C" Commercial District classification:

Being a tract of land situated in the T. Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas, and being out of an original 36.5 acre tract conveyed to J. B. Galloway and W. B. Hailey by John S. Byrd and wife, Dorothy M. Byrd, as recorded in Volume 2952, Page 64, of the Dallas County Deed Records, and more particularly described as follows:

Beginning at a point on the northwesterly line of Oates Road and the southwesterly line of Forrest Drive;

Thence S. 44° 43' W., along said northwesterly line of Oates Road, approximately 146 feet to the east corner of a 1.03 acre tract conveyed to the Southwestern Bell Telephone Co. by J. B. Galloway and W. B. Hailey as recorded in Volume 4044, Page 233, Dallas County Deed Records, an iron stake for corner;

Thence N. 45° 17' W., along the northeasterly line of said 1.03 acre tract, 150 feet to its north corner, an iron stake for corner;

Thence East approximately 146 feet to the southwesterly right of way line of Forrest Drive;

Thence along the southwesterly line of Forrest Drive 150 feet to a point on the northwesterly line on Oates Drive to the place of beginning.

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 18 day of April, 1966.

APPROVED:

George Payne
MAYOR

ATTEST:

Wm G M Gaughy
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY