

ORDINANCE NO. 665

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 "R-3" SINGLE FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT CLASSIFICATION: BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462 IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF THE THOMAS DAVIS TRACT LYING SOUTH OF U. S. HWY. 80 AND EAST OF FORNEY ROAD AS DESCRIBED IN DALLAS COUNTY DEED RECORDS IN VOLUME 660, PAGE 348 AND VOLUME 662, PAGE 202 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF U. S. HWY. 80 (A 360 FT. RIGHT-OF-WAY), SAID POINT BEING THE NORTHWEST OF A TRACT OF LAND OWNED BY TEXACO, INC., A RIGHT-OF-WAY MARKER FOUND IN PLACE FOR CORNER: THENCE SOUTH 0°03' WEST WITH THE WEST LINE OF SAID TEXACO TRACT FOR A DISTANCE OF 208.71 FEET TO A POINT FOR CORNER: THENCE NORTH 89°57' WEST FOR A DISTANCE OF 200.00 FEET TO A POINT FOR CORNER: THENCE NORTH 0°03' EAST AND PARALLEL TO THE EAST LINE OF SAID TEXACO, INC. TRACT FOR A DISTANCE OF 169.97 FEET TO A POINT FOR CORNER IN THE SOUTHEASTERLY LINE OF A 3.84 ACRE TRACT OF LAND CONVEYED TO DALLAS POWER & LIGHT CO. TRACT JUNE 9, 1961; THENCE NORTH 50°31' EAST WITH THE SOUTHEASTERLY LINE OF SAID DALLAS POWER & LIGHT CO. TRACT 77.62 FEET TO A POINT FOR CORNER IN THE SOUTHERLY LINE OF SAID U. S. HWY. 80; THENCE SOUTH 85°40' EAST AND ALONG SAID SOUTHERLY LINE OF HWY., 140.50 FT. TO THE PLACE OF BEGINNING AND CONTAINING 41,620.8 SQUARE FEET AND/OR 0.95 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 the 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 Governing Body of 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 change the following described property from "R-3" Single Family Dwelling District to "C" Commercial District Classification:

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462 in the City of Mesquite, Dallas County, Texas, and being part of the Thomas Davis tract lying South of U. S. Hwy. 80 and East of Forney Road as described in Dallas County Deed Records in Volume 660, Page 348 and Volume 662, Page 202 and being more particularly described as follows:

BEGINNING at a point on the South line of U. S. Hwy. 80 (a 360 ft. right-of-way), said point being the Northwest of a tract of land owned by Texaco, Inc., a right-of-way marker found in place for corner;

THENCE South $0^{\circ}03'$ West with the West line of said Texaco tract for a distance of 208.71 feet to a point for corner;

THENCE North $S9^{\circ}57'$ West for a distance of 200.00 feet to a point for corner;

THENCE North $0^{\circ}03'$ East and parallel to the East line of said Texaco Inc. tract for a distance of 169.97 feet to a point for corner in the Southeasterly line of a 3.84 acre tract of land conveyed to Dallas Power & Light Co. tract June 9, 1961;

THENCE North $50^{\circ}31'$ East with the Southeasterly line of said Dallas Power & Light Co. tract 77.62 feet to a point for corner in the Southerly line of said U. S. Hwy. 80;

THENCE South $85^{\circ}40'$ East and along said Southerly line of Hwy., 140.50 ft. to the PLACE OF BEGINNING and containing 41,620.8 square feet and/or 0.95 acres of land.

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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 provisions 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 of the City of Mesquite, Texas, on the 3 day of January, 196 7.

APPROVED:

George Boyce
MAYOR

ATTEST:

Norm G. M. Laughly
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY

