

ORDINANCE NO. 698

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 GRANT A CHANGE IN ZONING ON THE FOLLOWING DESCRIBED PROPERTY FROM "C" COMMERCIAL DISTRICT TO "A" MULTIPLE-FAMILY DWELLING DISTRICT, SAID PROPERTY BEING SITUATED WITHIN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT 1461 IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN WHICH WAS FOUND IN PLACE AT THE INTERSECTION OF THE SOUTHEAST LINE OF OATES DRIVE AND THE NORTHEAST LINE OF GUS THOMASSON ROAD; THENCE SOUTH $45^{\circ} 36'$ EAST ALONG THE NORTHEAST LINE OF GUS THOMASSON ROAD A DISTANCE OF 662.13 FEET TO AN IRON PIN WHICH WAS SET AND THE BEGINNING OF THIS SURVEY; THENCE NORTH $47^{\circ} 36' 45''$ EAST A DISTANCE OF 150.0 FEET TO AN IRON PIN WHICH WAS SET FOR A CORNER; THENCE NORTH $45^{\circ} 36'$ WEST A DISTANCE OF 150.0 FEET TO AN IRON PIN WHICH WAS SET FOR A CORNER; THENCE NORTH $47^{\circ} 36' 45''$ EAST A DISTANCE OF 325.74 FEET TO AN IRON PIN WHICH WAS SET, AT THE INTERSECTION OF THE SOUTHEAST LINE OF WHITSON WAY AND THE SOUTHWEST LINE OF A 15.0-FOOT ALLEY AS RECORDED IN VOL. 35, PAGE 223 OF THE DALLAS COUNTY MAP RECORDS, FOR A CORNER; THENCE SOUTH $45^{\circ} 36'$ EAST ALONG THE SOUTHWEST LINE OF SAID 15.0-FOOT ALLEY A DISTANCE OF 578.53 FEET TO AN IRON PIN WHICH WAS SET FOR A CORNER; THENCE SOUTH $44^{\circ} 45'$ WEST A DISTANCE OF 475.0 FEET TO AN IRON PIN WHICH WAS SET IN THE NORTHEAST LINE OF GUS THOMASSON ROAD FOR A CORNER; THENCE NORTH $45^{\circ} 36'$ WEST ALONG THE NORTHEAST LINE OF GUS THOMASSON ROAD A DISTANCE OF 452.29 FEET TO AN IRON PIN AND THE POINT OF BEGINNING AND CONTAINING 5.922 ACRES (257,974.98 SQ. FT.) 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 grant a change in zoning on the following described property from "C" Commercial District to "A" Multiple-Family Dwelling District, said property being described as follows:

Being a tract of land in the Theophalus Thomas Survey, Abstract 1461 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

Commencing at an iron pin which was found in place at the Northeast line of Gus Thomasson Road; thence South $45^{\circ} 36'$ East along the Northeast line of Gus Thomasson a distance of 662.13 feet to an iron pin which was set and the beginning of this survey;

Thence North $47^{\circ} 36' 45''$ East a distance of 150.0 feet to an iron pin which was set for a corner;

Thence North $45^{\circ} 36'$ West a distance of 150.0 feet to an iron pin which was set for a corner;

Thence North $47^{\circ} 36' 45''$ East a distance of 325.74 feet to an iron pin which was set, at the intersection of the Southeast line of Whitson Way and the Southwest line of a 15.0-foot alley as recorded in Vol. 35, Page 223 of the Dallas County Map Records, for a corner;

Thence South $45^{\circ} 36'$ East along the Southwest line of said 15.0-foot alley a distance of 578.53 feet to an iron pin which was set for a corner;

Thence South $44^{\circ} 45'$ West a distance of 475.0 feet to an iron pin which was set in the Northeast line of Gus Thomasson Road for a corner;

Thence North $45^{\circ} 36'$ West along the Northeast line of Gus Thomasson Road a distance of 452.29 feet to an iron pin and the point of BEGINNING and containing 5.922 acres (257,974.98 sq. ft.) 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 purposes 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 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 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 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 September, 1967.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


ATTORNEY

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