

ORDINANCE NO. 710

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 THE FOLLOWING DESCRIBED PROPERTY A CHANGE OF ZONING FROM "L-R" LOCAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING TWO TRACTS OF LAND IN THE DANIEL TANNER LEAGUE SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS.

TRACT NO. 1: BEING PART OF A CERTAIN TRACT OF LAND CONVEYED TO MISS NORA LIVELY BY HIRAM F. LIVELY AND TRIK G. LIVELY BE DEED DATED DECEMBER 16, 1947, RECORDED IN THE DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SANTA MARIA DRIVE WITH THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 20; THENCE SOUTH 71 DEGREES 45 MINUTES WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY A DISTANCE OF 198.09 FEET TO THE EAST LINE OF LIVELY CIRCLE ADDITION; THENCE SOUTH 9 DEGREES 54 MINUTES EAST ALONG SAID EAST LINE A DISTANCE OF 196.6 FEET TO A POINT FOR A CORNER; THENCE SOUTH 89 DEGREES 24 MINUTES EAST A DISTANCE OF 146.95 FEET TO THE WEST RIGHT-OF-WAY LINE OF SANTA MARIA DRIVE; THENCE NORTH 1 DEGREE 39 MINUTES EAST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 260.13 FEET TO THE PLACE OF BEGINNING; TRACT NO. 2: BEING LOTS 1, 2, 3, 4, and 5 OF THE OWEN SMITH SUBDIVISION TO THE CITY OF MESQUITE, TEXAS, RECORDED IN VOLUME 19, PAGE 111, SAVE AND EXCEPT THAT PART OF LOTS 1, 2, and 3 PREVIOUSLY CONVEYED TO THE STATE OF TEXAS AS HIGHWAY RIGHT-OF-WAY; 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 of zoning on the following described property from "L-R" Local Retail District to "C" Commercial District, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

Being two tracts of land in the Daniel Tanner League Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas.

Tract No. 1:

Being part of a certain tract of land conveyed to Miss Nora Lively by Hiram F. Lively and Trix G. Lively by deed dated December 16, 1947, recorded in the Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the West right-of-way line of Santa Maria Drive with the South right-of-way line of Interstate Highway No. 20;

THENCE South 71 degrees 45 minutes West along the South right-of-way line of said highway a distance of 198.09 feet to the East line of Lively Circle Addition;

THENCE South 9 degrees 54 minutes East along said East line a distance of 196.6 feet to a point for a corner;

THENCE South 89 degrees 24 minutes East a distance of 146.95 feet to the West right-of-way line of Santa Maria Drive;

THENCE North 1 degree 39 minutes East along said West right-of-way line a distance of 260.13 feet to the PLACE OF BEGINNING;

Tract No. 2:

Being Lots 1, 2, 3, 4, and 5 of the Owen Smith Subdivision to the City of Mesquite, Texas, recorded in Volume 19, Page 111, save and except that part of Lots 1, 2, and 3 previously conveyed to the State of Texas as Highway right-of-way.

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 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.

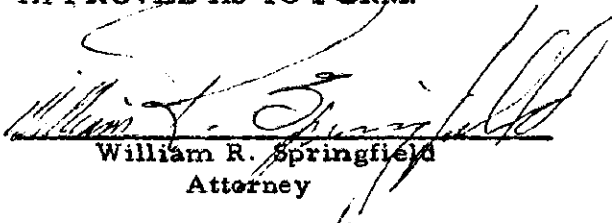
DULY PASSED by the City Council on the 4 day of
December, 1967.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


William R. Springfield
Attorney