

ORDINANCE NO. 715

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 OF ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES, SAID FIRST TRACT TO BE GRANTED A CHANGE OF ZONING FROM "L-R" LOCAL RETAIL DISTRICT TO "A" MULTIPLE-FAMILY DWELLING DISTRICT, SAID SECOND TRACT TO BE GRANTED A CHANGE OF ZONING FROM "L-R" LOCAL RETAIL TO SPECIAL PERMIT FOR A NURSING HOME, BOTH SAID TRACTS BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING ALL THAT TRACT OR PARCEL OF LAND LOCATED IN THE N. L. SWING SURVEY, ABSTRACT NO. 1397, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND A PART OF A 16.7 ACRE TRACT CONVEYED FROM O. L. NELMS TO FRANK NICK AND CONNECTION DEED FILED ON DECEMBER 16, 1960, DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS: TRACT 1, BEGINNING AT A POINT ON THE NORTH LINE OF ROSABELLE DRIVE AND AT THE SOUTH-EAST CORNER OF A TRACT CONVEYED TO THE CITY OF MESQUITE, DECEMBER 17, 1962; THENCE NORTH 10 DEGREES 39 MINUTES EAST 428.7 FEET ALONG EAST LINE OF SAID CITY PROPERTY TO A POINT FOR CORNER; THENCE SOUTH 84 DEGREES 30 MINUTES EAST 256.45 FEET ALONG NORTH LINE OF SAID NICK TRACT TO A POINT FOR CORNER; THENCE SOUTH 2 DEGREES 38 MINUTES EAST 105 FEET TO A POINT FOR CORNER; THENCE SOUTH 10 DEGREES 39 MINUTES WEST 50 FEET, MORE OR LESS, TO A POINT FOR CORNER; THENCE NORTH 79 DEGREES 21 MINUTES WEST 132 FEET, MORE OR LESS, TO A POINT FOR CORNER; THENCE SOUTH 10 DEGREES 39 MINUTES WEST 300 FEET, MORE OR LESS, TO A POINT FOR CORNER; THENCE NORTH 79 DEGREES 21 MIN. WEST 149 FEET ALONG NORTH LINE OF ROSABELLA DRIVE TO THE PLACE OF BEGINNING. TRACT 2, BEGINNING AT A POINT IN THE NORTH LINE OF ROSABELLA DRIVE, SAID POINT BEING SOUTHWEST CORNER OF THE 0.79 ACRE TRACT CONVEYED BY T. GLENN BELLAMY, ET UX MABLE, TO GEORGE BOYCE AND WIFE BETTY, BY DEED DATED JULY 1, 1955; THENCE NORTH 79 DEGREES 21 MINUTES

WEST ALONG NORTH LINE OF ROSABELLE DRIVE A DISTANCE OF 400 FEET, MORE OR LESS, TO A POINT FOR CORNER; THENCE NORTH 10 DEGREES 39 MINUTES EAST 300 FEET, MORE OR LESS, TO A POINT FOR CORNER; THENCE SOUTH 79 DEGREES 21 MINUTES EAST 132 FEET, MORE OR LESS, TO A POINT FOR CORNER; THENCE NORTH 10 DEGREES 39 MINUTES EAST 50 FEET, MORE OR LESS, TO A SOUTHWEST CORNER OF A TRACT CONVEYED TO A. P. KETRON, JULY 26, 1948, RECORDED IN VOL. 3012, PAGE 587, DEED RECORDS OF DALLAS CO., TEXAS; THENCE SOUTH 84 DEGREES 30 MINUTES EAST ALONG SOUTH LINE OF SAID KETRON TRACT A DISTANCE OF 237 FEET TO A POINT FOR CORNER; THENCE SOUTH 5 DEGREES 30 MINUTES WEST A DISTANCE OF 372.3 FEET TO THE PLACE OF BEGINNING; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HEREWITH; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING A SEVERABILITY CLAUSE; BY 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 properties, said first tract to be granted a change of zoning from "L- Local Retail District to "A" Multiple-Family Dwelling District, said second tract to be granted a change of zoning from "L-R" Local Retail District to Special Permit for a Nursing Home, both said tracts being in the City of Mesquite, Dallas County, Texas, and described as follows:

Being all that tract or parcel of land located in the M. L. Swing Survey, Abstract #1397, City of Mesquite, Dallas County, Texas, and a part of a 16.7 acre tract conveyed

from O. L. Nelms to Frank Nick and connection deed filed on December 16, 1960, Deed Records of Dallas County, Texas, and being more fully described as follows:

TRACT 1:

BEGINNING at a point on the north line of Rosabelle Drive and at the southeast corner of a tract conveyed to the City of Mesquite, December 17, 1962;

THENCE North 10 degrees 39 minutes east 428.7 feet along east line of said city property to a point for corner;

THENCE South 84 degrees 30 minutes east 256.45 feet along north line of said Nick tract to a point for corner;

THENCE South 2 degrees 38 minutes east 105 feet to a point for corner;

THENCE South 10 degrees 39 minutes west 50 feet, more or less, to a point for corner;

THENCE North 79 degrees 21 minutes west 132 feet, more or less, to a point for corner;

THENCE South 10 degrees 39 minutes west 300 feet, more or less, to a point for corner;

THENCE North 79 degrees 21 minutes west 149 feet along north line of Rosabella Drive to the **PLACE OF BEGINNING**.

TRACT 2:

BEGINNING at a point in the north line of Rosabelle Drive, said point being southwest corner of the 0.79 acre tract conveyed by T. Glenn Bellamy, et ux Mable, to George Boyce and wife Betty, by deed dated July 1, 1955;

THENCE North 79 degrees 21 minutes west along north line of Rosabelle Drive a distance of 400 feet, more or less, to a point for corner;

THENCE North 10 degrees 39 minutes east 300 feet, more or less, to a point for corner;

THENCE South 79 degrees 21 minutes east 132 feet, more or less, to a point for corner;

THENCE North 10 degrees 39 minutes east 50 feet, more or less, to a southwest corner of a tract conveyed to A. P. Ketron, July 26, 1948, recorded in Vol. 3012, Page 587, Deed Records of Dallas County, Texas;

THENCE South 84 degrees 30 minutes east along south line of said Ketron tract a distance of 237 feet to a point for corner;

THENCE South 5 degrees 30 minutes west a distance of 372.3 feet 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 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.

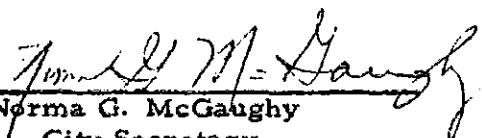
SECTION 6. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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.

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DULY PASSED by the City Council on the 2 day of January, 1968.


George Boyce
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:


William R. Springfield
Attorney

