

ORDINANCE NO. 731

AN ORDINANCE OF THE CITY OF MESCUITE, 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 PROPERTY FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "L-R" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING IN THE CITY OF MESCUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A PART OF LOT 42, BLOCK 16, CASA VIEW HEIGHTS NO. 15, AN ADDITION TO THE CITY OF MESCUITE, DALLAS COUNTY, TEXAS; OUT OF THE WILLIAM JOHNSON SURVEY, ABSTRACT NO. 706; BEING THE SOUTH 275 FRONT FEET OF PROPERTY OWNED BY THE HOLY TRINITY EVANGELICAL LUTHERN CHURCH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD AT THE EAST CORNER OF SAID CHURCH PROPERTY, AND SAID POINT BEING THE NORTH CORNER OF THE EASTFIELD PROFESSIONAL BUILDING; THENCE NORTH 44 DEGREES 51 MINUTES WEST WITH THE SOUTHWEST LINE OF GUS THOMASSON ROAD (120-FOOT R. O. W.) A DISTANCE OF 28.87 FEET TO A POINT FOR A CORNER; THENCE NORTH 44 DEGREES 43 MINUTES WEST WITH THE SAID SOUTHWEST LINE A DISTANCE OF 246.13 FEET TO A POINT FOR A CORNER; THENCE SOUTH 45 DEGREES 17 MINUTES WEST A DISTANCE OF 274.37 FEET TO A POINT FOR A CORNER ON THE NORTHEAST LINE OF A 10-FOOT ALLEY; THENCE SOUTH 40 DEGREES 31 MINUTES EAST WITH THE SAID NORTHEAST LINE A DISTANCE OF 157.56 FEET TO A POINT FOR A CORNER; THENCE SOUTH 42 DEGREES 03 MINUTES EAST WITH THE SAID NORTHEAST LINE A DISTANCE OF 123.13 FEET TO A POINT FOR A CORNER; THENCE NORTH 47 DEGREES 57 MINUTES EAST A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTHEAST LINE OF A 75-FOOT POWER AND DRAINAGE EASEMENT AT THE INTERSECTION OF SAID LINE WITH THE CENTERLINE OF A 10-FOOT DRAINAGE EASEMENT; THENCE NORTHEASTERLY WITH A CIRCULAR CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 24 DEGREES 23 MINUTES 23 SECONDS AND A RADIUS OF 105.00 FEET AND WITH THE SAID CENTERLINE A DISTANCE OF 44.70 FEET TO A POINT OF TANGENCY AND A POINT FOR A CORNER; THENCE

NORTH 45 DEGREES 29 MINUTES EAST WITH SAID CENTERLINE A DISTANCE OF 173.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 78610.87 S. F. OR 1.805 ACRES OF LAND; 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 hereinafter described property from "R-3" Single-Family Dwelling District to "L-R" Local Retail District, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

Being a part of Lot 42, Block 16, Casa View Heights No. 15, an addition to the City of Mesquite, Dallas County, Texas; out of the William Johnson Survey, Abstract No. 706; being the South 275 front feet of property owned by the Holy Trinity Evangelical Luthern Church, and being more particularly described as follows:

BEGINNING at an iron rod at the East corner of said Church property, and said point being the North corner of the Eastfield Professional Building;

THENCE North 44 degrees 51 minutes West with the Southwest line of Gus Thomasson Road (120-foot R. O. W.) a distance of 28.87 feet to a point for a corner;

THENCE North 44 degrees 43 minutes West with the said Southwest line a distance of 246.13 ft. to a point for corner;

THENCE South 45 degrees 17 minutes West a distance of 274.37 feet to a point for a corner on the Northeast line of a 10-foot alley;

THENCE South 40 degrees 31 minutes East with the said Northeast line a distance of 157.56 feet to a point for a corner;

THENCE South 42 degrees 03 minutes East with the said Northeast line a distance of 123.13 feet to a point for a corner;

THENCE North 47 degrees 57 minutes East a distance of 75.00 feet to a point on the Northeast line of a 75-foot power and drainage easement at the intersection of said line with the centerline of a 10-foot drainage easement;

THENCE Northeasterly with a circular curve to the right having a central angle of 24 degrees 23 minutes 23 seconds and a radius of 105.00 feet and with the said centerline a distance of 44.70 feet to a point of tangency and a point for a corner;

THENCE North 45 degrees 29 minutes East with said centerline a distance of 173.40 feet to the POINT OF BEGINNING and containing 78610.37 S. F. or 1.805 acres 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.

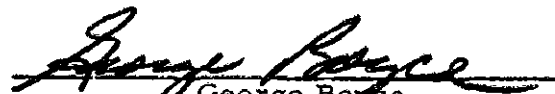
SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this

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 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.

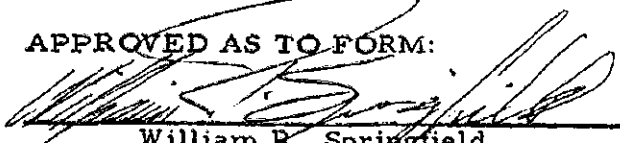
DULY PASSED by the City Council on the 1 day of April, 1968.


George Boyce
Mayor

ATTEST:


Norma McGaughey
City Secretary

APPROVED AS TO FORM:


William R. Springfield
City Attorney