

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 PROPERTY FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING OUT OF THE DANIEL TANNER LEAGUE, ABSTRACT NO. 1462 AND BEING PART OF A 63 ACRE TRACT OF LAND CONVEYED TO J. H. BRILEY BY S. B. MARTIN ET UX BY DEED DATED MARCH 22, 1919 AND RECORDED IN VOLUME 769 AT PAGE 73 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWEST LINE OF SAID J. H. BRILEY 63 ACRE TRACT, SAID POINT BEING THE SOUTH CORNER OF A 2 ACRE TRACT CONVEYED TO V. A. TURNER ET UX BY J. H. BRILEY ET UX, BY DEED FILED MARCH 21, 1952 IN VOLUME 3672 AT PAGE 261 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE NORTH 44 DEGREES 43 MINUTES EAST WITH THE SOUTHEAST LINE OF SAID V. A. TURNER 2 ACRE TRACT A DISTANCE OF 907.90 FEET TO A POINT IN THE WEST OR SOUTHWEST LINE OF TOWN EAST BOULEVARD (A 100-FOOT RIGHT-OF-WAY); THENCE IN A SOUTHEASTERLY DIRECTION WITH SAID LINE OF TOWN EAST BOULEVARD AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 742.84 FEET, AN ARC DISTANCE OF 354.64 FEET TO A POINT FOR CORNER; THENCE SOUTH 44 DEGREES 43 MINUTES WEST PARALLEL WITH SAID SOUTHEAST LINE OF V. A. TURNER 2 ACRE TRACT A DISTANCE OF 726.62 FEET TO A POINT IN THE SOUTHWEST LINE OF SAID J. H. BRILEY 63 ACRE TRACT; THENCE NORTH 45 DEGREES 00 MINUTES WEST WITH THE SOUTHWEST LINE OF SAID J. H. BRILEY 63 ACRE TRACT A DISTANCE OF 300 FEET TO THE PLACE OF BEGINNING AND CONTAINING 240.233 SQUARE FEET OR 5.5150 ACRES OF LAND, MORE OR LESS; 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 property from "R-3" Single-Family Dwelling District to "C" Commercial District, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

Being out of the Daniel Tanner League, Abstract No. 1462 and being part of a 63 acre tract of land conveyed to J. H. Briley by S. B. Martin et ux by deed dated March 22, 1919 and recorded in Volume 769 at Page 73 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the Southwest line of said J. H. Briley 63 acre tract, said point being the South corner of a 2 acre tract conveyed to V. A. Turner et ux by J. H. Briley et ux, by deed filed March 21, 1952 in Volume 3672 at Page 261 of the Deed Records of Dallas County, Texas;

THENCE North 44 degrees 43 minutes East with the southeast line of said V. A. Turner 2 acre tract a distance of 907.90 feet to a point in the west or southwest line of Town East Boulevard (a 100-foot right-of-way);

THENCE in a Southeasterly direction with said line of Town East Boulevard and along a curve to the left having a radius of 742.84 feet, an arc distance of 354.64 feet to a point for corner;

THENCE South 44 degrees 43 minutes West parallel with said southeast line of V. A. Turner 2 acre tract a distance of 726.62 feet to a point in the southwest line of said J. H. Briley 63 acre tract;

THENCE North 45 degrees 00 minutes West with the southwest line of said J. H. Briley 63 acre tract a distance of 300 feet to the PLACE OF BEGINNING and containing 240,233 square feet or 5.5150 acres of land, more or less.

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 20 day of May, 1963.

George Boyte
George Boyte, Mayor

ATTEST:

Norman H. McLaughly
City Secretary

APPROVED AS TO FORM:
William T. Springfield
City Attorney

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