

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 RESIDENTIAL DISTRICT TO "C" COMMERCIAL DISTRICT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: A TRACT OF LAND BEING OUT OF THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, OF THE CITY OF MESQUITE, AND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF HICKORY TREE ROAD, SAID POINT BEING 508.23 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST VISIBILITY CORNER OF MILITARY PARKWAY, THE SAME BEING IN THE COMMON LINE BETWEEN THE JOHN BAGLEY SURVEY, ABSTRACT NO. 74, AND THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462; THENCE SOUTH 45 DEGREES 2 MINUTES WEST A DISTANCE OF 967.52 FEET TO A POINT FOR CORNER, SAID POINT BEING THE SURVEY LINE BETWEEN THE JOHN BAGLEY SURVEY, ABSTRACT NO. 74 AND THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, THE SAME BEING THE SOUTHWEST CORNER OF A SIX ACRE TRACT OF LAND OWNED BY WESTERN VILLAGE, INC; THENCE NORTH A DISTANCE OF 1,140 FEET MORE OR LESS TO A POINT FOR CORNER IN THE SOUTH LINE OF MILITARY PARKWAY; THENCE EAST ALONG SAID LINE OF MILITARY PARKWAY 550 FEET MORE OR LESS TO A POINT FOR CORNER IN THE NEW RIGHT-OF-WAY LINE OF HICKORY TREE ROAD AS RELOCATED BY THE STATE HIGHWAY DEPARTMENT FOR THE CONSTRUCTION OF INTERSTATE 635; THENCE SOUTH ALONG THE NEW RIGHT-OF-WAY LINE OF HICKORY TREE ROAD 445 FEET MORE OR LESS 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.

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WHEREAS, the City Planning 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 Residential District to "C" Commercial District, said property being in the City of Mesquite, Dallas County, Texas, and being described as follows:

A tract of land being out of the Daniel Tanner Survey, Abstract No. 1462, of the City of Mesquite, and being described more particularly by metes and bounds as follows:

BEGINNING at a point in the west line of Hickory Tree Road, said point being 508.23 feet from the southeast corner of the southwest visibility corner of Military Parkway, the same being in the common line between the John Bagley Survey, Abstract No. 74, and the Daniel Tanner Survey, Abstract No. 1462;

THENCE South 45 degrees 2 minutes West a distance of 967.52 feet to a point for corner, said point being the survey line between the John Bagley Survey, Abstract No. 74 and the Daniel Tanner Survey, Abstract No. 1462, the same being the southwest corner of a six acre tract of land owned by Western Village, Inc.;

THENCE North a distance of 1,140 feet more or less to a point for corner in the south line of Military Parkway;

THENCE East along said line of Military Parkway 550 feet more or less to a point for corner in the new right-of-way line of Hickory Tree Road as relocated by the State Highway Department for the construction of Interstate 635;

THENCE South along the new right-of-way line of Hickory Tree Road 445 feet more or less 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.

DULY PASSED by the City Council on the 3 day of June, 1968.

Jim Henson

Mayor Pro Tem

ATTEST:

Tom G. M. Lang
City Secretary

APPROVED AS TO FORM:

[Signature]
City Attorney

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