

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 TRACT OF PROPERTY FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT; SAID TRACT OF PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND IN THE W. O. ABBOTT SURVEY ABSTRACT NO. 34, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOR A CORNER ON THE SOUTHEAST LINE OF U. S. HIGHWAY NO. 67 (300 FOOT R.O.W.), SOUTH  $61^{\circ} 04'$  WEST 1,570.25 FEET FROM AN IRON ROD AT THE WEST LINE OF ABSTON STREET; THENCE NORTH  $89^{\circ} 45' 10''$  EAST 274.24 FEET TO AN IRON ROD FOR A CORNER, SAID CORNER BEING ON THE WEST LINE OF A 65.93 ACRE TRACT OF LAND OWNED BY B. F. BIGGERS; THENCE SOUTH  $0^{\circ} 22' 53''$  WEST ALONG THE WEST LINE OF THE SAID BIGGERS TRACT 2,031.43 FEET TO AN IRON ROD FOR A CORNER; THENCE SOUTH  $89^{\circ} 40' 17''$  WEST 564.86 FEET TO AN IRON ROD FOR A CORNER, SAID CORNER BEING THE SOUTHEAST CORNER OF A 10.0 ACRE TRACT OF LAND OWNED BY MID-CONTINENT TRUCT STOP; THENCE NORTH  $0^{\circ} 10'$  WEST ALONG THE EAST LINE OF SAID 10.0 ACRE TRACT OF LAND 500.00 FEET TO AN IRON ROD FOR A CORNER; THENCE SOUTH  $89^{\circ} 55'$  WEST ALONG THE NORTH LINE OF SAID 10.0 ACRE TRACT 871.20 FEET TO AN IRON ROD FOR A CORNER. SAID CORNER BEING ON THE EAST LINE OF BIG TOWN BOULEVARD (100 FOOT R. O. W.). THENCE NORTH  $0^{\circ} 10' 30''$  EAST ALONG THE EAST LINE OF BIG TOWN BOULEVARD, 266.26 FEET TO WOOD MONUMENT FOR A CORNER; THENCE NORTH  $12^{\circ} 47' 18''$  EAST 124.97 FEET TO AN IRON ROD FOR A CORNER; THENCE NORTH  $75^{\circ} 47' 40''$  EAST 118.90 FEET TO AN IRON ROD FOR A CORNER; THENCE NORTH  $29^{\circ} 19' 40''$  EAST 160.30 FEET TO A WOOD MONUMENT FOR A CORNER, SAID CORNER BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE HAVING A CENTRAL ANGLE OF  $58^{\circ} 06'$  AND A RADIUS OF 318.30 FEET; THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE 322.80 FEET TO AN IRON ROD FOR A CORNER, AND THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH  $28^{\circ} 46' 20''$  WEST 75.42 FEET TO AN IRON ROD FOR A CORNER; THENCE NORTH  $31^{\circ} 13' 40''$  EAST 99.10 FEET TO AN IRON ROD FOR A CORNER, SAID CORNER BEING ON THE SOUTHEAST LINE OF U. S. HIGHWAY NO. 67 (300 FOOT R.O.W.): THENCE NORTH  $61^{\circ} 04'$  EAST ALONG THE SOUTHEAST LINE OF U. S. HIGHWAY NO. 67; 1,071.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 45.81 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 following described property from "R-3" Single-family Dwelling District to "C" Commercial District, said tract of property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land in the W. O. Abbott Survey Abstract No. 34, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod for a corner on the Southeast line of U. S. Highway No. 67 (300 foot R.O.W.), South  $61^{\circ} 04'$  West 1,570.25 feet from an iron rod at the West line of Abston Street;

THENCE, North  $89^{\circ} 45' 10''$  East 274.24 feet to an iron rod for a corner, said corner being on the West line of a 65.93 acre tract of land owned by B. F. Biggers;

THENCE, South  $0^{\circ} 22' 53''$  West along the West line of the said Biggers tract 2,031.43 feet to an iron rod for a corner;

THENCE, South  $89^{\circ} 40' 17''$  West 564.86 feet to an iron rod for a corner, said corner being the Southeast corner of a 10.0 acre tract of land owned by Mid-Continent Truck Stop;

THENCE, North 0° 10' West along the East line of said 10.0 acre tract of land 500.00 feet to an iron rod for a corner;

THENCE, South 89° 55' West along the North line of said 10.0 acre tract 871.20 feet to an iron rod for a corner, Said corner being on the East line of Big Town Boulevard (100 foot R.O.W.);

THENCE, North 0° 10' 30" East along the East line of Big Town Boulevard, 266.26 feet to wood monument for a corner;

THENCE, North 12° 47' 18" East 124.97 feet to an iron rod for a corner;

THENCE, North 75° 47' 40" East 118.90 feet to an iron rod for a corner;

THENCE, North 29° 19' 40" East 160.30 feet to a wood monument for a corner, said corner being the point of curvature of a circular curve having a central angle of 58° 06' and a radius of 318.30 feet;

THENCE, in a Northwesterly direction along said curve 322.80 feet to an iron rod for a corner, and the point of tangency of said curve;

THENCE, North 28° 46' 20" West 75.42 feet to an iron rod for a corner;

THENCE, North 31° 13' 40" East 99.10 feet to an iron rod for a corner; said corner being on the Southeast line of U. S. Highway 67 (300 foot R.O.W.);

THENCE, North 61° 04' East along the Southeast line of U. S. Highway No. 67; 1,071.90 feet to the point of beginning and containing 45.81 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.

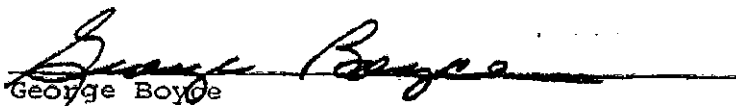
SECTION 3. That the above-described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

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.

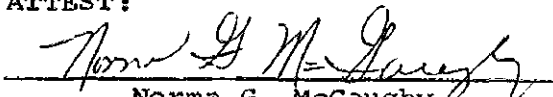
SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred (\$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.

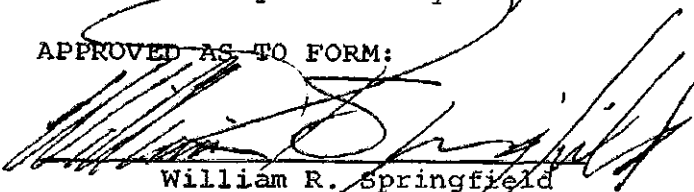
DULY PASSED by the City Council of the City of Mesquite on the  
16 day of December, 1968.

  
George Boyce  
MAYOR

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
William R. Springfield  
Attorney