

ORDINANCE NO. 781

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 TRACTS OF LAND; TO WIT: TRACT I FROM "R-2" SINGLE FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL DISTRICT; TRACT II FROM "R-2" SINGLE FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT; TRACT III FROM "R-2" SINGLE FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL DISTRICT AND TRACT IV FROM "R-2" SINGLE FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF SAID TRACTS OF PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I - BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF THE LAND CONVEYED TO THE TEXAS PYTHIAN HOME OF THE GRAND LODGE KNIGHTS OF PYTHIAS OF TEXAS BY MARTHA E. LAWRENCE, AS RECORDED IN VOLUME 5926, PAGE 204, DALLAS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTH CORNER OF SAID PYTHIAN PROPERTY, SAID POINT BEING THE SOUTH CORNER OF THE INTERSECTION OF TOWN EAST BLVD. (AN 80' R/W) AND GUS THOMASSON ROAD (A 60' R/W); THENCE $S44^{\circ}46'W$, 26.62' TO A POINT; THENCE $S9^{\circ}02'E$, 24.78' TO THE PLACE OF BEGINNING OF TRACT NO. 1. THENCE $S9^{\circ}02'E$ WITH THE WEST LINE OF THE PROPOSED RE-ALIGNMENT OF GUS THOMASSON ROAD, 675.00' TO A POINT FOR CORNER; THENCE $S80^{\circ}58'W$, 283.27' TO A POINT FOR CORNER; THENCE $N45^{\circ}14'W$, 377.40' TO A POINT FOR CORNER, SAID POINT BEING 50' SOUTHEASTERLY OF THE CENTER LINE OF TOWN EAST BLVD., MEASURED AT RIGHT ANGLES; THENCE $N44^{\circ}46'E$, PARALLEL TO TOWN EAST BLVD., 627.24' TO THE PLACE OF BEGINNING AND CONTAINING 4.91 ACRES OF LAND. TRACT II - BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF THE LAND CONVEYED TO THE TEXAS PYTHIAN HOME OF THE GRAND LODGE KNIGHTS OF PYTHIAS OF TEXAS BY MARTHA E. LAWRENCE, AS RECORDED IN VOLUME 5926, PAGE 204, DALLAS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH CORNER OF SAID PYTHIAN PROPERTY, SAID POINT BEING THE SOUTH CORNER OF THE INTERSECTION OF TOWN EAST BLVD. (AN 80' R/W) AND GUS THOMASSON ROAD (A 60' R/W); THENCE $S44^{\circ}25'E$ WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD, 135.60' TO THE PLACE OF BEGINNING OF TRACT NO. 2. THENCE $S44^{\circ}25'E$ WITH THE SOUTHWESTERLY LINE OF GUS THOMASSON ROAD, 697.85' TO A POINT FOR CORNER, SAID POINT BEING ON A CURVE TO THE LEFT, HAVING A RADIUS OF 330.0', A CENTRAL ANGLE OF $19^{\circ}31'$ AND A TANGENT BEARING OF $N79^{\circ}31'W$; THENCE IN A WESTERLY DIRECTION AND ALONG SAID CURVE, 112.41' TO THE END OF SAID CURVE; A POINT FOR CORNER; THENCE $S80^{\circ}58'W$, 293.82' TO A POINT IN THE EAST LINE OF THE PROPOSED RE-ALIGNMENT OF GUS THOMASSON ROAD; A POINT FOR CORNER; THENCE $N9^{\circ}02'W$ WITH THE EAST LINE OF SAID PROPOSED GUS THOMASSON ROAD, 550.00' TO THE PLACE OF BEGINNING AND

CONTAINING 2.47 ACRES OF LAND. TRACT III - BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF THE LAND CONVEYED TO THE TEXAS PYTHIAN HOME OF THE GRAND LODGE KNIGHTS OF PYTHIAS OF TEXAS BY MARTHA E. LAWRENCE, AS RECORDED IN VOLUME 5926, PAGE 204, DALLAS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH CORNER OF SAID PYTHIAN PROPERTY, SAID POINT BEING THE SOUTH CORNER OF THE INTERSECTION OF TOWN EAST BLVD. (AN 80' R/W) AND GUS THOMASSON ROAD (A60' R/W); THENCE S44°25'E WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD, 1023.20' TO THE PLACE OF BEGINNING OF TRACT NO. 3. THENCE S44°25'E WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD, 498.39' TO A POINT FOR CORNER; THENCE S80°58'W, 802.55' TO A POINT IN THE EAST LINE OF THE PROPOSED GUS THOMASSON ROAD RE-ALIGNMENT, A POINT FOR CORNER; THENCE N9°02'W WITH THE EAST LINE OF SAID PROPOSED GUS THOMASSON ROAD, 520.00' TO A POINT FOR CORNER; THENCE N80°58'E, 293.82' TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 270.0', AND A CENTRAL ANGLE OF 57°37'; A POINT FOR CORNER; THENCE IN AN EASTERLY AND SOUTHEASTERLY DIRECTION AND ALONG SAID CURVE, 257.37' TO THE PLACE OF BEGINNING AND CONTAINING 7.31 ACRES OF LAND. TRACT IV - BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF THE LAND CONVEYED TO THE TEXAS PYTHIAN HOME OF THE GRAND LODGE KNIGHTS OF PYTHIAS OF TEXAS BY MARTHA E. LAWRENCE, AS RECORDED IN VOLUME 5926, PAGE 204, DALLAS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH CORNER OF SAID PYTHIAN PROPERTY, SAID POINT BEING THE SOUTH CORNER OF THE INTERSECTION OF TOWN EAST BLVD. (AN 80' R/W) AND GUS THOMASSON ROAD (A 60' R/W); THENCE S44°25'E WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD, 1541.59' TO THE PLACE OF BEGINNING OF TRACT NO. 4. THENCE S44°25'E WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD, 817.68' TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.0', AND A CENTRAL ANGLE OF 35°41'; A POINT FOR CORNER; THENCE IN A SOUTHWESTERLY DIRECTION AND ALONG SAID CURVE, 311.40' TO THE END OF SAID CURVE; A POINT FOR CORNER; THENCE S8°44'E, 457.85' TO A POINT IN THE SOUTHEASTERLY LINE OF SAID PYTHIAN PROPERTY, SAID POINT BEING IN THE NORTHWESTERLY LINE OF A TRACT OF LAND OWNED BY E. K. FRANKLIN; A POINT FOR CORNER; THENCE S44°57'W WITH THE JOINT PROPERTY LINE OF SAID PYTHIAN PROPERTY AND FRANKLIN PROPERTY, 838.93' TO A POINT FOR CORNER; THENCE N5°35'W, 1913.41' TO THE PLACE OF BEGINNING AND CONTAINING 18.22 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 tracts of property; to wit: TRACT I from "R-2" Single Family Dwelling District to "LR" Local Retail District; TRACT II from "R-2" Single Family Dwelling District to "C" Commercial District; TRACT III from "R-2" Single Family Dwelling District to "LR" Local Retail District; and TRACT IV from "R-2" Single Family Dwelling District to "C" Commercial District; all of said tracts of property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being part of the land conveyed to the Texas Pythian Home of the Grand Lodge Knights of Pythias of Texas by Martha E. Lawrence, as recorded in Volume 5926, page 204, Dallas County Deed Records, and being more particularly described as follows;

COMMENCING at the north corner of said Pythian property, said point being the south corner of the intersection of Town East Blvd. (AN 30' R/W) and Gus Thomasson Road (a 60' R/W); THENCE S44°46'W, 26.62' to a point; THENCE S9°02'E, 24.78' to the place of beginning of Tract No. 1.

THENCE S9°02'E with the west line of the proposed re-alignment of Gus Thomasson Road, 675.00' to a point for corner;

THENCE S80°58'W, 283.27' to a point for corner;

THENCE N45°14'W, 377.40' to a point for corner, said point being 50' southeasterly of the center line of Town East Blvd., measured at right angles;

THENCE N44°46'E, parallel to Town East Blvd., 627.24' to the place of beginning and containing 4.91 acres of land.

TRACT II

BEING A tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being part of the land conveyed to the Texas Pythian Home of the Grand Lodge Knights of Pythias of Texas by Martha E. Lawrence, as recorded in Volume 5926, page 204, Dallas County Deed Records, and being more particularly described as follows:

COMMENCING AT the north corner of said Pythian property, said point being the south corner of the intersection of Town East Blvd. (an 80' R/W) and Gus Thomasson Road (a 60' R/W); THENCE S44°25'E with the southwesterly line of said Gus Thomasson Road, 135.60' to the place of beginning of Tract No. 2.

THENCE S44°25'E with the southwesterly line of Gus Thomasson Road, 697.85' to a point for corner, said point being on a curve to the left, having a radius of 330.0', a central angle of 19°31' and a tangent bearing of N79°31'W;

THENCE in a westerly direction and along said curve, 112.41' to the end of said curve; a point for corner:

THENCE S80°58'W, 293.82' to a point in the east line of the proposed re-alignment of Gus Thomasson Road; a point for corner;

THENCE N9°02'W with the east line of said proposed Gus Thomasson Road, 550.00' to the place of beginning and containing 2.47 acres of land.

TRACT III

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being part of the land conveyed to the Texas Pythian Home of the Grand Lodge Knights of Pythias of Texas by Martha E. Lawrence, as recorded in Volume 5926, page 204, Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at the north corner of said Pythian property, said point being the south corner of the intersection of Town East Blvd. (an 80' R/W) and Gus Thomasson Road (a 60' R/W); THENCE S44°25'E with the southwesterly line of said Gus Thomasson Road, 1023.20' to the place of beginning of Tract No. 3.

THENCE S44°25'E with the southwesterly line of said Gus Thomasson Road, 498.39' to a point for corner;

THENCE S80°58'W, 802.55' to a point in the east line of the proposed Gus Thomasson Road re-alignment, a point for corner;

THENCE N9°02'W with the east line of said proposed Gus Thomasson Road, 520.00' to a point for corner;

THENCE N80°58'E, 293.82' to the beginning of a curve to the right, having a radius of 270.0', and a central angle of 57°37'; a point for corner;

THENCE in an easterly and southeasterly direction and along said curve, 257.37' to the place of beginning and containing 7.31 acres of land.

TRACT IV

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being part of the land conveyed to the Texas Pythian Home of the Grand Lodge Knights of Pythias of Texas by Martha E. Lawrence, as recorded in Volume 5926, page 204, Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at the north corner of said Pythian property, said point being the south corner of the intersection of Town East Blvd. (an 80' R/W) and Gus Thomasson Road (a 60' R/W); THENCE S44°25'E with the southwesterly line of said Gus Thomasson Road, 1541.59' to the place of beginning of Tract No. 4.

THENCE S44°25'E with the southwesterly line of said Gus Thomasson Road, 817.68' to the beginning of a curve to the right, having a radius of 500.0', and a central angle of 35°41'; a point for corner;

THENCE in a southwesterly direction and along said curve, 311.40' to the end of said curve; a point for corner;

THENCE S8°44'E, 457.85' to a point in the southeasterly line of said Pythian property, said point being in the northwesterly line of a tract of land owned by E. K. Franklin; a point for corner;

THENCE S44°57'W with the joint property line of said Pythian property and Franklin property, 838.93' to a point for corner;

THENCE N5°35'W, 1913.41' to the place of beginning and containing 18.22 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.

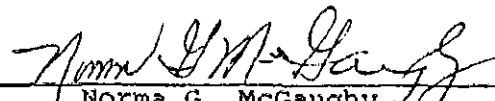
SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred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

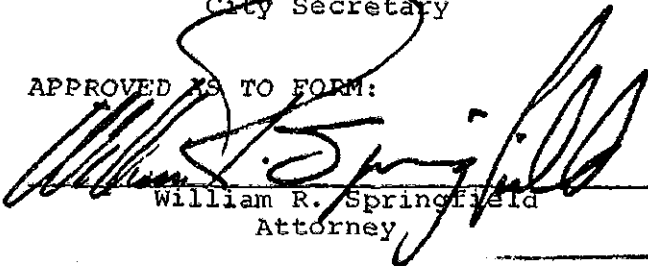
DULY PASSED BY THE City Council on the 3 day of March, 1969.


George Boyce
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:


William R. Springfield
Attorney