

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 FROM "LR" LOCAL RETAIL DISTRICT TO A SPECIAL PERMIT FOR USE AS A DAY NURSERY, PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN LOT 42, BLOCK 16, OF CASA VIEW HEIGHTS NO. 15, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING ALL OF A 2.95 ACRE TRACT CONVEYED TO CONGREGATION BETH ISRAEL OF DALLAS BY GEORGE E. CHAPMAN AND EMMETT J. DALTON, BY DEED DATED DECEMBER 18, 1958, RECORDED IN VOLUME 5024, PAGE 80, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF GUS THOMASSON ROAD, SAID POINT BEING THE EAST CORNER OF A TRACT OF LAND CONVEYED TO HOLY TRINITY EVANGELICAL LUTHERAN CHURCH BY GEORGE E. CHAPMAN AND EMMETT J. DALTON, SAID POINT ALSO BEING THE NORTH CORNER OF SAID BETH ISRAEL TRACT, AN IRON STAKE SET FOR CORNER; THENCE SOUTH  $44^{\circ} 51'$  EAST WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD 428.79 FEET, TO THE EAST CORNER OF SAID BETH ISRAEL TRACT, AN IRON STAKE SET FOR CORNER; THENCE SOUTH  $45^{\circ} 09'$  WEST, WITH THE SOUTHEASTERLY LINE OF SAID BETH ISRAEL TRACT, 311.69 FEET TO A POINT IN THE NORTHEASTERLY LINE OF A 10 FOOT ALLEY, SAID POINT BEING THE SOUTH CORNER OF SAID BETH ISRAEL TRACT, AN IRON STAKE SET FOR CORNER; THENCE NORTH  $42^{\circ} 03'$  WEST WITH THE NORTHEASTERLY LINE OF SAID 10 FOOT ALLEY 425.02 FEET TO THE SOUTH CORNER OF THE AFOREMENTIONED LUTHERAN CHURCH TRACT, AN IRON STAKE SET FOR CORNER; THENCE NORTH  $47^{\circ} 57'$  EAST WITH THE SOUTHEASTERLY LINE OF SAID LUTHERAN CHURCH TRACT 75.0 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.0 FEET, A CENTRAL ANGLE OF  $25^{\circ} 00'$  AND A TANGENT BEARING OF NORTH  $20^{\circ} 29'$  EAST, AN IRON STAKE SET FOR CORNER; THENCE IN A NORTHEASTERLY DIRECTION AND AROUND SAID CURVE AND CONTINUING ALONG THE SOUTHEASTERLY LINE OF SAID LUTHERAN CHURCH TRACT 43.63 FEET TO THE END OF SAID CURVE, AN IRON STAKE SET FOR CORNER; THENCE NORTH  $45^{\circ} 29'$  EAST AND CONTINUING ALONG THE SOUTHEASTERLY LINE OF SAID LUTHERAN CHURCH TRACT 173.40 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.95 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 "LR" Local Retail District to a Special Permit for use as a Day Nursery, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land situated in Lot 42, Block 16 of Casa View Heights No. 15, an addition to the City of Mesquite, Dallas County, Texas, and being all of a 2.95 acre tract conveyed to Congregation Beth Israel of Dallas By George E. Chapman and Emmett J. Dalton, by deed dated December 18, 1958, recorded in Volume 5024, Page 80, Dallas County Deed Records and being more particularly described as follows:

BEGINNING at a point in the Southwesterly line of Gus Thomasson Road, said point being the east corner of a tract of land conveyed to Holy Trinity Evangelical Lutheran Church by George E. Chapman and Emmett J. Dalton, said point also being the North corner of said Beth Israel Tract, an iron stake set for corner;

THENCE South  $44^{\circ} 51'$  East with the Southwesterly line of said Gus Thomasson Road 428.79 feet, to the East corner of said Beth Israel Tract, an iron stake set for corner;

THENCE South  $45^{\circ} 09'$  West, with the Southeasterly line of said Beth Israel Tract, 311.69 feet to a point in the Northeasterly line of a 10 foot alley, said point being the South corner of said Beth Israel Tract, an iron stake set for corner;

THENCE North  $42^{\circ} 03'$  West with the Northeasterly line of said 10 foot alley 425.02 feet to the South corner of the aforementioned Lutheran Church Tract, an iron stake set for corner;

THENCE North  $47^{\circ} 57'$  East with the Southeasterly line of said Lutheran Church Tract 75.0 feet to the beginning of a curve to the right, having a radius of 100.0 feet, a central angle of  $25^{\circ} 00'$  and a tangent bearing of North  $20^{\circ} 29'$  East, an iron stake set for corner;

THENCE in a Northeasterly direction and around said curve and continuing along the Southeasterly line of said Lutheran Church Tract 43.63 feet to the end of said curve, an iron stake set for corner;

THENCE North  $45^{\circ} 29'$  East and continuing along the Southeasterly line of said Lutheran Church Tract 173.40 feet to the place of beginning and containing 2.95 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.

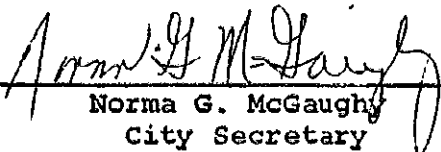
SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred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

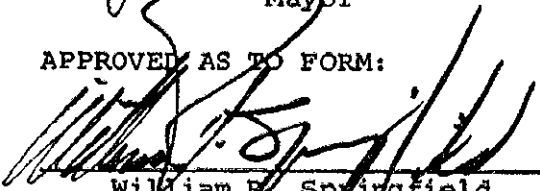
DULY PASSED by the City Council of the City of Mesquite, Texas, on the 21 day of July, 1969 A.D.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
William E. Springfield  
City Attorney