

ORDINANCE NO. 828

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 ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, OUT OF TRACT 35 OF THE SUBDIVISION OF THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, AND BEING PART OF A CERTAIN 23 ACRE TRACT CONVEYED BY J. E. SMITH TO H. B. STELLMACHER BY DEED DATED JANUARY 16, 1950, RECORDED IN VOLUME 3248 AT PAGE 4 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHEAST LINE OF GROSS ROAD, 120 FOOT RIGHT-OF-WAY, WITH THE SOUTHEAST LINE OF A CERTAIN 50 ACRE TRACT OF LAND CONVEYED TO H. F. LIVELY AS DESCRIBED IN DEED RECORDED IN VOLUME 650 AT PAGE 302 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE NORTH 49° 52' EAST WITH SAID SOUTHEAST LINE OF LIVELY 50 ACRE TRACT AND ALONG A FENCE LINE A DISTANCE OF 445.47 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 635 AS ESTABLISHED BY CAUSE NO. CC-66-3262-b TO THE STATE OF TEXAS; THENCE SOUTH 1° 02' 30" EAST WITH SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 635 A DISTANCE OF 70 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 21° 41' WEST WITH SAID RIGHT OF WAY LINE A DISTANCE OF 442.73 FEET TO ITS INTERSECTION WITH SAID NORTHEAST LINE OF GROSS ROAD; THENCE NORTH 42° 32' 30" WEST WITH SAID NORTHEAST LINE OF GROSS ROAD A DISTANCE OF 263.68 FEET TO THE PLACE OF BEGINNING AND CONTAINING 64,655 SQUARE FEET OR 1.48427 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

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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 all that certain lot, tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, out of Tract 35 of the Subdivision of the Daniel Tanner Survey, Abstract No. 1462, and being part of a certain 23 acre tract conveyed by J. E. Smith to H. B. Stellmacher by deed dated January 16, 1950, recorded in Volume 3248 at page 4 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the Northeast line of Gross Road, 120 foot right-of-way, with the Southeast line of a certain 50 acre tract of land conveyed to H. F. Lively as described in deed recorded in Volume 650 at page 302 of the Deed Records of Dallas County, Texas:

THENCE North 49° 52' East with said Southeast line of Lively 50 acre tract and along a fence line a distance of 445.47 feet to its intersection with the Westerly right of way line of Interstate Highway No. 635 as established by Cause No. CC-66-3262-b to the State of Texas;

THENCE South 1° 02' 30" East with said Westerly right of way line of Interstate Highway No. 635 a distance of 70 feet to an angle point in said line;

THENCE South 21° 41' West with said right of way line a distance of 442.73 feet to its intersection with said Northeast line of Gross Road;

THENCE North 42° 32' 30" West with said Northeast line of Gross Road a distance of 263.68 feet to the place of BEGINNING and containing 64,655 square feet or 1.48427 acre of land, more or less.

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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.

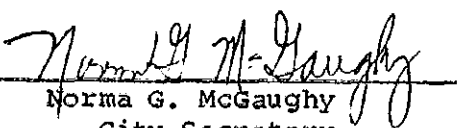
SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

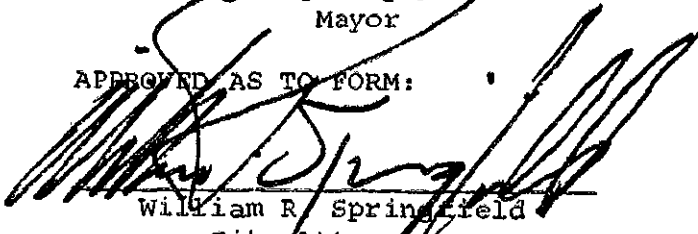
SECTION 6. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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 17 day of November A.D., 1969.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

William R. Springfield
City Attorney

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