

ORDINANCE NO. 852

107

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 FOLLOWING DESCRIBED PROPERTY FROM LOCAL RETAIL TO LOCAL RETAIL WITH SPECIAL PERMIT FOR A MINIATURE GOLF COURSE, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE JOHN HARDIN SURVEY, ABSTRACT NO. 545, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF A 3.52 ACRE TRACT OF LAND OWNED BY D. C. MOTLEY, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST CORNER OF THE INTERSECTION OF OATES DRIVE (A 100 FOOT RIGHT-OF-WAY) AND GUS THOMASSON ROAD (A 120 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 51' WEST, WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD, 580 FEET TO THE NORTH CORNER OF SAID MOTLEY TRACT, SAID POINT BEING THE PLACE OF BEGINNING OF TRACT; THENCE SOUTH 44° 51' EAST, WITH THE SOUTHWESTERLY LINE OF SAID GUS THOMASSON ROAD 140.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 09' WEST, 159.01 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 51' EAST, 112.26 FEET TO A POINT FOR CORNER, SAID POINT BEING THE WEST CORNER OF THE L. C. GRIFFITH 0.58 ACRE TRACT; THENCE SOUTH 51° 31' WEST, 50.31 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 09' WEST, 142.67 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID MOTLEY TRACT; A POINT FOR CORNER; THENCE NORTH 42° 03' WEST, WITH THE SOUTHWESTERLY LINE OF SAID MOTLEY TRACT, 246.97 FEET TO THE WEST CORNER OF SAID MOTLEY TRACT; A POINT FOR CORNER; THENCE NORTH 45° 09' EAST, WITH THE NORTHWESTERLY LINE OF SAID MOTLEY TRACT, 339.62 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.57 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 REQUIRING THAT ANY DEVELOPMENT OF THE LAND HEREIN ZONED SHALL BE DONE IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; 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 Local Retail District to Local Retail District with a Special Permit for a Miniature Golf Course, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land situated in the John Hardin Survey, Abstract No. 545, City of Mesquite, Dallas County, Texas, and being part of a 3.52 acre tract of land owned by D. C. Motley, said tract of land being more particularly described as follows:

COMMENCING at the West corner of the intersection of Oates Drive (a 100 foot Right-of-Way) and Gus Thomasson Road (a 120 foot Right-of-Way); THENCE North 44° 51' West, with the Southwesterly line of said Gus Thomasson Road, 580 feet to the North Corner of said Motley Tract, said point being the place of beginning of tract;

THENCE South 44° 51' East, with the Southwesterly line of said Gus Thomasson Road, 140.00 feet to a point for corner;

THENCE South 45° 09' West, 159.01 feet to a point for corner;

THENCE South 44° 51' East, 112.26 feet to a point for corner, said point being the West corner of the L. C. Griffith 0.58 acre tract;

THENCE South 51° 31' West, 50.31 feet to a point for corner;

THENCE South 45° 09' West, 142.67 feet to a point in the Southwesterly line of said Motley tract, a point for corner;

THENCE North 42° 03' West, with the Southwesterly line of said Motley tract, 246.97 feet to the West corner of said Motley tract; a point for corner;

THENCE North 45° 09' East, with the Northwesterly line of said Motley tract, 339.62 feet to the place of beginning and containing 1.57 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 any development of the land herein zoned shall be done in conformity with the requirements of current and/or future Drainage Improvement Ordinances of the City of Mesquite.

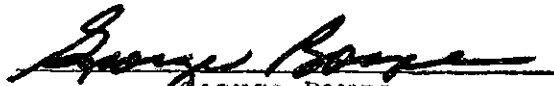
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. 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.

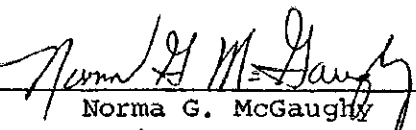
SECTION 7. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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.

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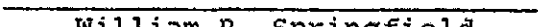
DULY PASSED by the City Council of the City of Mesquite, Texas,
on the 6 day of April, A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


William R. Springfield
City Attorney