

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 REAL PROPERTY FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO SPECIAL PERMIT FOR A KINDERGARTEN SCHOOL, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I BEING IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462 AND THE T. D. SACKETT SURVEY, ABSTRACT NO. 1362, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE FOR CORNER ON THE NORTHWEST LINE OF TOWN EAST BOULEVARD NORTH 49° 43' EAST 1005.56 FEET AND NORTH 44° 53' WEST 20.00 FEET FROM THE INTERSECTION OF THE NORTHWEST LINE OF TOWN EAST BOULEVARD AND THE NORTHEAST LINE OF GROSS ROAD, SAID POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF A 3.84 ACRE TRACT OF LAND CONVEYED TO TOWN EAST BAPTIST CHURCH AND RECORDED IN VOLUME 106, PAGE 1731 IN THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE NORTH 44° 53' WEST ALONG THE NORTHEAST LINE OF SAID 3.84 ACRE TRACT 257.54 FEET TO A STAKE FOR A CORNER; THENCE NORTH 45° 07' EAST 254.23 FEET TO A STAKE FOR A CORNER; THENCE SOUTH 47° 29' 41" EAST 269.90 FEET TO A STAKE FOR A CORNER, SAID CORNER BEING ON THE NORTHWEST LINE OF TOWN EAST BOULEVARD, SAID CORNER ALSO BEING ON A CIRCULAR CURVE HAVING A CENTRAL ANGLE OF 7° 10' 50" AND A RADIUS OF 1172.29 FEET; THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE AND WITH THE NORTHWEST LINE OF TOWN EAST BOULEVARD 147.55 FEET TO A STAKE FOR A CORNER AND THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 49° 41' 09" WEST 119.48 TO THE POINT OF BEGINNING AND CONTAINING 1.48 ACRES OF LAND. TRACT II BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN DALLAS COUNTY, TEXAS, AND LYING EAST OF GROSS ROAD AND NORTH OF TOWN EAST BOULEVARD (OLD NEW HOPE-MURPHY SCHOOL ROAD) AND IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462 AND ALSO IN THE T. D. SACKETT SURVEY, ABSTRACT NO. 1362, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTHEAST LINE OF SAID GROSS ROAD AND THE NORTHWEST LINE OF SAID TOWN EAST BOULEVARD; THENCE NORTH 49° 43' EAST AND ALONG SAID NORTHWEST LINE OF TOWN EAST BOULEVARD 555.56 FEET AND NORTH 44° 53' WEST 20.06 FEET TO THE PLACE OF BEGINNING, AN IRON STAKE FOR CORNER; THENCE NORTH 44° 53' WEST, 370.00 FEET, AN IRON STAKE FOR CORNER;

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THENCE NORTH 0° 07' EAST, 21.21 FEET, AN IRON STAKE FOR CORNER; THENCE NORTH 45° 07' EAST 270.00 FEET, AN IRON STAKE FOR CORNER; THENCE SOUTH 89° 53' EAST, 231.29 FEET, AN IRON STAKE FOR CORNER; THENCE SOUTH 44° 53' EAST 257.54 FEET TO A POINT WHICH IS 20 FEET FROM SAID NORTHWEST LINE OF TOWN EAST BOULEVARD, AN IRON STAKE FOR CORNER; THENCE SOUTH 49° 43' WEST, 20 FEET FROM AND PARALLEL TO SAID NORTHWEST LINE OF TOWN EAST BOULEVARD, 450.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.84 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 Special Permit for a Kindergarten School, said tracts of property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I

BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1462 and the T. D. Sackett Survey, Abstract No. 1362, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a stake for a corner on the Northwest line of Town East Boulevard North $49^{\circ} 43'$ East 1005.56 feet and North $44^{\circ} 53'$ West 20.00 feet from the Intersection of the Northwest line of Town East Boulevard and the Northeast line of Gross Road, said Point of Beginning being the Southeast corner of a 3.84 acre tract of land conveyed to Town East Baptist Church and recorded in Volume 106, Page 1731 in the Deed Records of Dallas County, Texas;

THENCE North $44^{\circ} 53'$ West along the Northeast line of said 3.84 acre tract 257.54 feet to a stake for a corner;

THENCE North $45^{\circ} 07'$ East 254.23 feet to a stake for a corner;

THENCE South $47^{\circ} 29' 41''$ East 269.90 feet to a stake for a corner, said corner being on the Northwest line of Town East Boulevard, said corner also being on a circular curve having a central angle of $7^{\circ} 10' 50''$ and a radius of 1172.29 feet;

THENCE in a Northwesterly direction along said curve and with the Northwest line of Town East Boulevard 147.55 feet to a stake for a corner and the Point of Tangency of said curve;

THENCE South $49^{\circ} 41' 09''$ West 119.48 to the Point of Beginning and containing 1.48 acres of land.

TRACT II

BEING a tract of land lying East of Gross Road and North of Town East Boulevard (old New Hope-Murphy School Road) and in the Daniel Tanner Survey, Abstract No. 1462 and also in the T. D. Sackett Survey, Abstract No. 1362, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the Northeast line of said Gross Road and the Northwest line of said Town East Boulevard;

THENCE North $49^{\circ} 43'$ East and along said Northwest line of Town East Boulevard 555.56 feet and North $44^{\circ} 53'$ West 20.06 feet to the Place of Beginning, an iron stake for corner;

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THENCE North 44° 53' West 370.00 feet, an iron stake for corner;

THENCE North 0° 07' East, 21.21 feet, an iron stake for corner;

THENCE North 45° 07' East, 270.00 feet, an iron stake for corner;

THENCE South 89° 53' East, 231.29 feet, an iron stake for corner;

THENCE South 44° 53' East, 257.54 feet to a point which is 20 feet from said Northwest line of Town East Boulevard, an iron stake for corner;

THENCE South 49° 43' West, 20 feet from and parallel to said Northwest line of Town East Boulevard, 450.00 feet to the place of Beginning and containing 3.84 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.

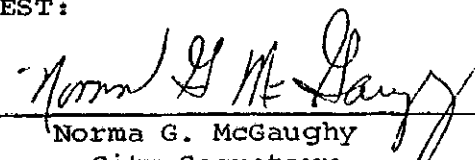
SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred 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 4 day of May, A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

William R. Springfield
City Attorney

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