

ORDINANCE NO. 876

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 "C" COMMERCIAL DISTRICT TO "SP" SPECIAL PERMIT FOR A DAY CARE CENTER, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID TRACT ALSO BEING PART OF LOT 1, BLOCK 14 OF TOWN EAST ESTATES NO. 4, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF TRADEWINDS DRIVE (A 50 FOOT RIGHT-OF-WAY) WITH THE WESTERLY LINE OF ANTHONY DRIVE (A 50 FOOT RIGHT-OF-WAY) THENCE, NORTH 45° 35' WEST, ALONG THE SAID SOUTHERLY LINE OF TRADEWINDS DRIVE, A DISTANCE OF 35.03 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 13° 28' 31" AND A RADIUS OF 150.00 FEET, THENCE AROUND SAID CURVE A DISTANCE OF 35.28 FEET TO THE PLACE OF BEGINNING, A POINT FOR CORNER; THENCE, SOUTH 44° 25' WEST, LEAVING THE SAID SOUTHERLY LINE OF TRADEWINDS DRIVE A DISTANCE OF 187.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A BACK TANGENT BEARING SOUTH 71° 52' 49" EAST, AND A CENTRAL ANGLE OF 5° 42' 11" AND A RADIUS OF 112.89 FEET A POINT FOR CORNER; THENCE, AROUND SAID CURVE A DISTANCE OF 11.24 FEET TO THE END OF SAID CURVE A POINT FOR CORNER; THENCE, NORTH 77° 35' WEST, A DISTANCE OF 105.69 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 0° 19' AND A RADIUS OF 119.52 FEET A POINT FOR CORNER; THENCE, AROUND SAID CURVE A DISTANCE OF 0.66 FEET TO THE END OF SAID CURVE A POINT FOR CORNER; THENCE, NORTH 44° 25' EAST, A DISTANCE OF 186.49 FEET TO A POINT ON THE SOUTHERLY LINE OF TRADEWINDS DRIVE SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A BACK TANGENT BEARING NORTH 78° 57' WEST, AND A CENTRAL ANGLE OF 11° 03' AND A RADIUS OF 200.00 FEET A POINT FOR CORNER; THENCE, ALONG THE SAID SOUTHERLY LINE OF TRADEWINDS DRIVE THE FOLLOWING; AROUND SAID CURVE A DISTANCE OF 38.57 FEET TO THE END OF SAID CURVE, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30° 56' 29" AND A RADIUS OF 150.00 FEET A POINT FOR CORNER; AROUND SAID CURVE A DISTANCE OF 81.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.441 ACRES OR 19,203 SQUARE FEET 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 THAT THE FOREGOING ZONING CHANGE IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND HEREIN DESCRIBED BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES OF THE CITY OF MESQUITE; 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 "C" Commercial District to "SP" Special Permit for a Day Care Center, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, said tract also being part of Lot 1, Block 14 of Town East Estates No. 4, and being more particularly described as follows:

COMMENCING at the point of intersection of the Southerly line of Tradewinds Drive (a 50 foot Right-of-Way) with the Westerly line of Anthony Drive (a 50 foot Right-of-Way) THENCE, North $45^{\circ} 35'$ West, along the said Southerly line of Tradewinds Drive, a distance of 35.03 feet to the beginning of a curve to the left having a central angle of $13^{\circ} 28' 31''$ and a radius of 150.00 feet, THENCE around said curve a distance of 35.28 feet to the PLACE OF BEGINNING, a point for corner;

THENCE, South $44^{\circ} 25'$ West, leaving the said Southerly line of Tradewinds Drive a distance of 187.57 feet to the beginning of a curve to the left having a back tangent bearing South $71^{\circ} 52' 49''$ East, and a central angle of $5^{\circ} 42' 11''$ and a radius of 112.89 feet to a point for corner;

THENCE, around said curve a distance of 11.24 feet to the end of said curve a point for corner;

THENCE, North $77^{\circ} 35'$ West, a distance of 105.69 feet to the beginning of a curve to the right having a central angle of $0^{\circ} 19'$ and a radius of 119.52 feet to a point for corner;

THENCE, around said curve a distance of 0.66 feet to the end of said curve a point for corner;

THENCE, North $44^{\circ} 25'$ East, a distance of 186.49 feet to a point on the Southerly line of Tradewinds Drive said point being the beginning of a curve to the left having a back tangent bearing North $78^{\circ} 57'$ West, and a central angle of $11^{\circ} 03'$ and a radius of 200.00 feet a point for corner;

THENCE, along the said Southerly line of Tradewinds Drive the following:

Around said curve a distance of 38.57 feet to the end of said curve, said point being the beginning of a curve to the Right having a central angle of $30^{\circ} 56' 29''$ and a radius of 150.00 feet a point for corner;

Around said curve a distance of 81.00 feet to the PLACE OF BEGINNING AND containing 0.441 Acres or 19,203 Square Feet 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 the foregoing zoning change shall be and it is granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 858 of the Mesquite City Code.


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.

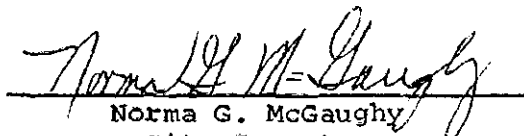
SECTION 7. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and emergency for the preservation 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 8 day of September A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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