

ORDINANCE NO. 892

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 "LR" LOCAL RETAIL DISTRICT AND "A" MULTIPLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING A PART OF THE T. THOMAS SURVEY, ABSTRACT 1461, THE I. THOMAS SURVEY, ABSTRACT 1501, AND THE JOHN NELMS SURVEY, ABSTRACT 1095; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FOR CORNER IN THE NORTHERLY LINE OF TOWN EAST BOULEVARD SAID POINT BEING IN A WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF TOWN EAST BOULEVARD A DISTANCE OF 360.26 FEET FROM THE INTERSECTION OF THE NORTHERLY LINE OF TOWN EAST BOULEVARD AND THE WESTERLY LINE OF L. B. J. FREEWAY (I.H. 635); THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF TOWN EAST BOULEVARD AND ALONG A CURVE TO THE LEFT WHOSE TANGENT BEARS NORTH 63° 44' 58" WEST AND HAVING A RADIUS OF 1472.40 FEET AND A CENTRAL ANGLE OF 13° 27' 32", AN ARC DISTANCE OF 345.87 FEET TO THE END OF SAID CURVE TO THE LEFT; THENCE NORTH 77° 12' 30" WEST AND CONTINUING ALONG THE NORTHERLY LINE OF TOWN EAST BOULEVARD A DISTANCE OF 434.36 FEET TO A POINT FOR CORNER; THENCE NORTH 6° 06' 50" WEST A DISTANCE OF 380.75 FEET TO AN ANGLE POINT IN THE CENTERLINE OF A 20.00 FOOT SANITARY SEWER EASEMENT; THENCE NORTH 9° 50' 50" WEST ALONG THE CENTERLINE OF THE 20.00 FOOT SANITARY SEWER EASEMENT A DISTANCE OF 278.11 FEET TO A POINT FOR CORNER; THENCE NORTH 80° 09' 10" EAST A DISTANCE OF 1030.16 FEET TO A POINT FOR CORNER, SAID POINT BEING 60.00 FEET PERPENDICULAR TO THE WEST LINE OF L. B. J. FREEWAY (I.H.635); THENCE SOUTH 2° 43' 10" EAST AND 60 FEET PERPENDICULAR TO AND PARALLEL WITH THE WESTERLY LINE OF L.B.J. FREEWAY (I.H.635) A DISTANCE OF 607.15 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE IN A SOUTHERLY AND SOUTHWESTERLY DIRECTION ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF 44° 30', AN ARC DISTANCE OF 365.04 FEET TO THE END OF SAID CURVE TO THE RIGHT; THENCE SOUTH 41° 46' 50" WEST A DISTANCE OF 131.88 FEET TO THE PLACE OF BEGINNING AND CONTAINING 18.8000 ACRES. 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 IS GRANTED SUBJECT TO THE DEVELOPMENT OF THE LAND BEING 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 "LR" Local Retail District and "A" Multiple-Family Dwelling District to "C" Commercial District, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being a part of the T. Thomas Survey, Abstract 1461, and the I. Thomas Survey, Abstract 1501, and the John Nelms Survey, Abstract 1095; and being more particularly described as follows:

BEGINNING at a point for corner in the Northerly line of Town East Boulevard, said point being in a Westerly direction along the Northerly line of Town East Boulevard a distance of 360.26 feet from the intersection of the Northerly line of Town East Boulevard and the Westerly line of L.B.J. Freeway (I.H.635);

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THENCE in a Westerly direction along the Northerly line of Town East Boulevard and along a curve to the Left whose tangent bears North 63° 44' 58" West and having a radius of 1472.40 feet and a central angle of 13° 27' 32", an arc distance of 345.87 feet to the end of said curve to the Left;

THENCE North 77° 12' 30" West and continuing along the Northerly line of Town East Boulevard a distance of 434.36 feet to a point for corner;

THENCE North 6° 06' 50" West a distance of 380.75 feet to an angle point in the centerline of a 20.00 foot sanitary sewer easement;

THENCE North 9° 50' 50" West along the centerline of the 20.00 foot sanitary sewer easement a distance of 278.11 feet to a point for corner;

THENCE North 80° 09' 10" East a distance of 1030.16 feet to a point for corner, said point being 60.00 feet perpendicular to the west line of L.B.J. Freeway (I.H.635);

THENCE South 2° 43' 10" East and 60 feet perpendicular to and parallel with the Westerly line of L.B.J. Freeway (I.H.635) a distance of 607.15 feet to the beginning of a curve to the Right;

THENCE in a Southerly and Southwesterly direction along said curve to the Right having a radius of 470.00 feet and a central angle of 44° 30', an arc distance of 365.04 feet to the end of said curve to the Right;

THENCE South 41° 46' 50" West a distance of 131.88 feet to the Place of Beginning and containing 18.8000 acres.

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.

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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.

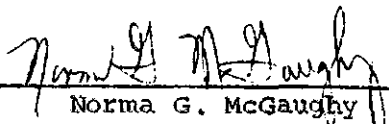
SECTION 7. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation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

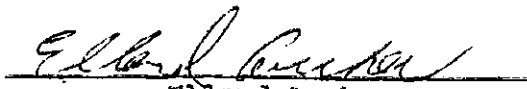
DULY PASSED by the City Council of the City of Mesquite, Texas, on the 20th day of October, A.D., 1970.


George Boye
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughey
City Secretary


Eiland Archer
City Attorney