

ORDINANCE NO. 893

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 "A" MULTIPLE-FAMILY DWELLING DISTRICT TO "SP" SPECIAL PERMIT FOR A DAY NURSERY, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING SITUATED IN DALLAS COUNTY, TEXAS, AND A PART OF THE W. H. ROWE SURVEY, ABSTRACT 1256, CITY OF MESQUITE, TEXAS, AND BEING A PART OF THE 40.275 ACRE TRACT CONVEYED AS SECOND TRACT BY DEED FROM J. F. CUMBY AND WIFE, L. E. CUMBY TO W. B. HAILEY, DATED MAY 21, 1920, RECORDED IN VOLUME 838, PAGE 326, DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHEAST RIGHT-OF-WAY OF GUS THOMASSON ROAD (A 100 FOOT RIGHT-OF-WAY), SAID POINT BEING SOUTH 45° 00' EAST, 709.61 FEET FROM THE INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY LINE OF GUS THOMASSON ROAD WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF HILLVIEW DRIVE (A 55 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 48' EAST, 980.00 FEET TO A POINT FOR CORNER; THENCE NORTH 45° 00' WEST, 542.70 FEET TO A POINT FOR CORNER IN THE SOUTHEAST LINE OF TRUMAN HEIGHTS ADDITION; THENCE NORTH 44° 48' EAST, 567.60 FEET WITH THE SOUTHEAST LINE OF TRUMAN HEIGHTS ADDITION TO A POINT FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 20; THENCE SOUTH 74° 52' EAST, 163.40 FEET WITH THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 20 TO A POINT FOR CORNER; THENCE SOUTH 45° 29' 40" EAST, 945.56 FEET WITH THE NORTHEAST LINE OF THE W. B. HAILEY TRACT TO A POINT FOR CORNER; THENCE SOUTH 44° 55' WEST, 1637.12 FEET WITH THE SOUTHEAST LINE OF THE W. B. HAILEY TRACT TO A POINT FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY LINE OF GUS THOMASSON ROAD; THENCE NORTH 45° 00' WEST, 541.50 FEET WITH THE NORTHEAST RIGHT-OF-WAY LINE OF GUS THOMASSON ROAD TO THE PLACE OF BEGINNING AND CONTAINING 28.353 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.

ORDINANCE/PAGE 2

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 the 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 "A" Multiple-Family Dwelling District to "SP" Special Permit for a Day Nursery, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING situated in Dallas County, Texas, and a part of the W. H. Rowe Survey, Abstract 1256, City of Mesquite, Texas, and being a part of the 40.275 acre tract conveyed as second tract by deed from J. F. Cumby and wife, L. E. Cumby to W. B. Hailey, dated May 21, 1920, recorded in Volume 838, Page 326, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the Northeast Right-of-Way of Gus Thomasson Road (a 100 foot Right-of-Way), said point being South 45° 00' East, 709.61 feet from the intersection of the Northeast Right-of-Way line of Gus Thomasson Road with the Southeast Right-of-Way line of Hillview Drive (a 55 foot right-of-way);

THENCE North 44° 48' East, 980.00 feet to a point for corner;

THENCE North 45° 00' West, 542.70 feet to a point for corner in the Southeast line of Truman Heights Addition;

THENCE North 44° 48' East, 567.60 feet with the Southeast line of Truman Heights Addition to a point for corner in the South Right-of-Way line of Interstate 20;

THENCE South 74° 52' East, 163.40 feet with the South Right-of-Way line of Interstate 20 to a point for corner;

THENCE South 45° 29' 40" East, 945.56 feet with the Northeast line of the W. B. Hailey tract to a point for corner;

THENCE South 44° 55' West, 1637.12 feet with the Southeast line of the W. B. Hailey tract to a point for corner in the Northeast Right-of-Way line of Gus Thomasson Road;

THENCE North 45° 00' West, 541.50 feet with the Northeast Right-of-Way line of Gus Thomasson Road to the place of Beginning and containing 28.353 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.

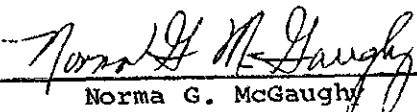
SECTION 6. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation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

ORDINANCE/PAGE 4

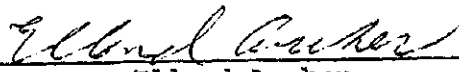
DULY PASSED by the City Council of the City of Mesquite, Texas,
on the 20th day of October, A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney