

ORDINANCE NO. 894

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 "LR" LOCAL RETAIL DISTRICT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I - BEING A TRACT OF LAND SITUATED IN THE M. L. SWING SURVEY, ABSTRACT NO. 1392 AND THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1035, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF BRUTON ROAD (A 100 FOOT RIGHT-OF-WAY), SAID POINT BEING IN THE NORTHWEST CORNER OF EDGE-MONT PARK ADDITION, SEVENTH INSTALLMENT, AN ADDITION TO THE CITY OF MESQUITE, TEXAS, SAID POINT ALSO BEING IN THE WEST LINE OF A 15 FOOT ALLEY; A POINT FOR CORNER; THENCE SOUTH 0° 19' WEST, WITH THE WEST LINE OF SAID ALLEY, 33.41 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1090.57 FEET AND A CENTRAL ANGLE OF 6° 14' 50"; A POINT FOR CORNER; THENCE IN A SOUTHERLY DIRECTION WITH THE WESTERLY LINE OF SAID ALLEY AND ALONG SAID CURVE, 118.91 FEET TO THE END OF SAID CURVE; A POINT FOR CORNER; THENCE NORTH 89° 44' WEST, 695.29 FEET TO A POINT FOR CORNER; THENCE NORTH 0° 08' WEST, 152.60 FEET TO A POINT IN THE SOUTH LINE OF THE AFOREMENTIONED BRUTON ROAD; A POINT FOR CORNER; THENCE SOUTH 89° 41' EAST, WITH THE SOUTH LINE OF SAID BRUTON ROAD, 690.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.42 ACRES OF LAND. TRACT II - BEING A TRACT OF LAND SITUATED IN THE M. L. SWING SURVEY, ABSTRACT NO. 1392, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF HICKORY TREE ROAD (A 70 FOOT RIGHT-OF-WAY), SAID POINT BEING 150 FEET SOUTH 0° 08' EAST FROM THE SOUTH LINE OF BRUTON ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A 0.517 ACRE TRACT OF LAND OWNED BY HUMBLE OIL AND REFINING COMPANY; A POINT FOR CORNER; THENCE SOUTH 89° 41' EAST, 150.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 0° 08' EAST, 110.00 FEET TO A POINT FOR CORNER; THENCE NORTH 89° 41' WEST, 150.00 FEET TO A POINT IN THE EAST LINE OF THE AFOREMENTIONED HICKORY TREE ROAD; A POINT FOR CORNER; THENCE NORTH 0° 08' WEST, WITH THE EAST LINE OF SAID HICKORY TREE ROAD, 110.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.38 ACRE OF LAND. BY PROVIDING A SITE PLAN FOR A 60 FOOT ACCESS EASEMENT; 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 BE GRANTED SUBJECT TO THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE 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 "A" Multiple-Family Dwelling District to "LR" Local Retail District, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I

BEING a tract of land situated in the M. L. Swing Survey, Abstract No. 1392 and the McKinney and Williams Survey, Abstract No. 1035, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Bruton Road (a 100 foot right-of-way), said point being the Northwest corner of Edgemont Park Addition, Seventh Installment, an Addition to the City of Mesquite, Texas, said point also being in the West line of a 15 foot alley; a point for corner;

THENCE South $0^{\circ} 19'$ West, with the West line of said alley, 33.41 feet to the beginning of a curve to the Left, having a radius of 1090.57 feet and a central angle of $6^{\circ} 14' 50''$; a point for corner;

THENCE in a Southerly direction with the Westerly line of said alley and along said curve, 118.91 feet to the end of said curve; a point for corner;

THENCE North $89^{\circ} 44'$ West, 695.29 feet to a point for corner;

THENCE North $0^{\circ} 08'$ West, 152.60 feet to a point in the South line of the aforementioned Bruton Road; a point for corner;

THENCE South $89^{\circ} 41'$ East, with the South line of said Bruton Road, 690.00 feet to the Place of Beginning and containing 2.42 acres of land.

TRACT II

BEING a tract of land situated in the M. L. Swing Survey, Abstract No. 1392, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the East line of Hickory Tree Road (a 70 foot right-of-way), said point being 150 feet South $0^{\circ} 08'$ East from the South line of Bruton Road, said point also being the Southwest corner of a 0.517 acre tract of land owned by Humble Oil and Refining Company; a point for corner;

THENCE South $89^{\circ} 41'$ East, 150.00 feet to a point for corner;

THENCE South $0^{\circ} 08'$ East, 110.00 feet to a point for corner;

THENCE North $89^{\circ} 41'$ West, 150.00 feet to a point in the East line of the aforementioned Hickory Tree Road; a point for corner;

THENCE North $0^{\circ} 08'$ West, with the East line of said Hickory Tree Road, 110.00 feet to the place of beginning and containing 0.38 acre of land.

That said zoning change is granted subject to the approval of site plan providing for a 60 foot access easement from Bruton Road to the existing apartment zoned area behind the subject property being zoned.

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.

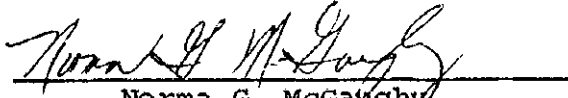
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred 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 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 Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney

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