

ORDINANCE NO. 913

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 893, AN AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE OF 1964, CORRECTING THE ZONING CHANGE HERETOFORE GRANTED, BY GRANTING A ZONING CHANGE FROM "A" MULTIPLE FAMILY DWELLING DISTRICT TO "SP" SPECIAL PERMIT FOR DAY NURSERY ON THE LAND HEREIN DESCRIBED, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND A PART OF THE W. H. ROWE SURVEY, ABSTRACT 1256, 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 ON THE NORTHWEST EASEMENT LINE FOR HILLCREST STREET, 1109.75 FEET (MORE OR LESS) NORTHEAST OF THE INTERSECTION OF THIS LINE WITH NORTHEAST LINE OF GUS THOMASSON ROAD, AND BEING THE INTERSECTION OF THIS LINE WITH THE NORTHEAST BOUNDARY OF THE JACKSON MANOR APARTMENTS, LTD.; THENCE NORTH 44° 55' EAST 143.5 FEET TO THE FIRST CORNER OF TRACT SUBMITTED FOR SPECIAL ZONING; THENCE NORTH 45° 05' WEST 110.0 FEET TO A CORNER; THENCE NORTH 44° 55' EAST 110.0 FEET TO A CORNER; THENCE NORTH 45° 05' WEST 17.25 FEET TO A CORNER; THENCE NORTH 44° 55' EAST 128.0 FEET TO A CORNER; THENCE SOUTH 45° 05' EAST 127.25 FEET TO A POINT ON THE NORTHWEST EASEMENT LINE FOR HILLCREST STREET; THENCE SOUTH 44° 55' WEST 238.0 FEET TO THE FIRST CORNER OF THE TRACT; BY PROVIDING THAT ANY LAND OTHER THAN THAT DESCRIBED HEREIN, WHICH WAS CHANGED BY ORDINANCE 893, SHALL BE ZONED AS IT WOULD HAVE BEEN ZONED WITHOUT THE PASSAGE OF ORDINANCE NO. 893; 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;

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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 Planning 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

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and fair hearing to all property owners generally and to the persons interested and situated in the area, the City Council of the City of Mesquite was of the opinion that a change of zoning should be granted; and

WHEREAS, the written draft of the Ordinance granting such zoning change included an incorrect description of the property to be zoned; and

WHEREAS, it was and is the intent of the City Council to grant a change of zoning on that land as described before the City Planning Commission and in the hearing before the Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance 893, passed by the City Council of the City of Mesquite, Texas, on the 20th day of October, A.D., 1970, is hereby amended to read as follows:

That the Comprehensive Zoning Ordinance of 1964, of the City of Mesquite, Texas, 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 on the Northwest easement line for Hillcrest Street, 1109.75 feet (more or less) Northeast of the intersection of this line and Northeast line of Gus Thomasson Road, and being the intersection of this line with the Northeast boundary of the Jackson Manor Apartments, Ltd.;

THENCE North 44° 55' East 143.5 feet to the first corner of tract submitted for Special Zoning;

THENCE North 45° 05' West 110.0 feet to a corner;

THENCE North 44° 55' East 110.0 feet to a corner;

THENCE North 45° 05' West 17.25 feet to a corner;

THENCE North 44° 55' East 128.0 feet to a corner;

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THENCE South 45° 05' East 127.25 feet to a point on the Northwest easement line for Hillcrest Street;

THENCE South 44° 55' West 238.0 feet to the first corner of the tract.

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; provided, however, that any land other than that described herein, in which the zoning was changed by Ordinance No. 893 shall be zoned as it would have been zoned without the passage of Ordinance 893.

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.

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DULY PASSED by the City Council of the City of Mesquite, Texas,  
on the 21 day of December, A.D., 1970.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
Elland Archer  
City Attorney