

ORDINANCE NO. 918

Case 1095-6

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 OF PROPERTY DESCRIBED IN SECTION I OF THIS ORDINANCE FROM "LR" LOCAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT, WITH THE STIPULATION THAT ANY BUILDING CONSTRUCTED ON THIS SITE WOULD BE OF MASONRY CONSTRUCTION SIMILAR AND COMPATIBLE TO THAT OF THE MAIN BUILDINGS IN THIS SHOPPING CENTER, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS; 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 IS GRANTED SUBJECT TO ANY 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 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 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 to "C" Commercial District, with the stipulation that any building constructed on this site would be of masonry construction similar and compatible to that of the main buildings in this shopping center, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

ORDINANCE/PAGE 2
Case 1095-6

BEGINNING at a point in the South Right-of-Way line of Town East Boulevard (Murphy School-New Hope Road), said point being 44.5 feet South of the Northwest corner of said J. B. Galloway 110 acre tract, said point also being the Northeast corner of a 74.04 acre tract conveyed to Sears, Roebuck and Company by deed dated September 27, 1966, and recorded in Volume 918, Page 0855, Deed Records, Dallas County, Texas;

THENCE, North 89° 45' 35" East along said South line of Town East Boulevard a distance of 485.52 feet to an iron rod for corner;

THENCE, South 0° 01' 19" East a distance of 510.45 feet to an iron rod for corner;

THENCE, South 89° 43' 42" East parallel with said line of Town East Boulevard a distance of 549.90 feet to an iron rod for corner in the Westerly line of a 6,435.96 acre tract conveyed by J. B. Galloway and wife, Myrtle Galloway, to Dallas Power & Light Company by deed dated April 19, 1961, recorded in Volume 5533 at Page 369, Deed Records, Dallas County, Texas;

THENCE, South 27° 31' 44" West with the Westerly line of said Dallas Power & Light Company tract a distance of 1563.34 feet to an angle point in said line, an iron rod;

THENCE, South 45° 29' 13" West with said Westerly line of Light Company tract a distance of 105.37 feet to an iron rod for corner in the South line of said J. B. Galloway 110 acre tract;

THENCE, North 89° 30' 49" West with the South line of said 110 acre tract a distance of 237.75 feet to the Southeast corner of said Sears, Roebuck and Company 74.04 acre tract;

THENCE, North 0° 00' 17" West with the East line of said 74.04 acre tract a distance of 1969.21 feet to the Place of Beginning, and containing 27.644 acres of land.

(And being the same property conveyed from Sears, Roebuck & Company to Homart Development Co. by deed dated October 9, 1970, recorded in Volume _____, Page _____, of the Deed Records of Dallas County, Texas.)

ORDINANCE/PAGE 3
Case 1095-6

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 18 day of January, A. D., 1971.


George Boyce
Mayor

ATTEST:

Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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