

ORDINANCE NO. 945

Case No. 486-7

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 FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL ON TWO TRACTS OF LAND REFERRED TO AS TRACT 11, SHEET 3, W. FOREMAN SURVEY, ABSTRACT #486, AND TRACT 17, SHEET 2, W. FOREMAN SURVEY, ABSTRACT #486, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; 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 ANY DEVELOPMENT OF THE LAND BE DEVELOPED 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 property described in Exhibit "A", as attached hereto and made a part of this ordinance, said property being in the City of Mesquite, Dallas County, Texas.

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all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed, and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.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 property described in Exhibit "A", as attached hereto, 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 property described in Exhibit "A", as attached hereto, 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 AND APPROVED by the City Council of the City of
Mesquite, Texas, on the 3 day of May, A.D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaushy
City Secretary

Elland Archer
City Attorney

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EXIHIBIT "A"

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TRACT I

COMMENCING at the intersection of the North line of U. S. Highway 80 and the East line of the future extension of Gus Thomasson Road;

THENCE Northerly along the East line of the extension of Gus Thomasson Road 278.78 feet to the point of beginning;

THENCE Easterly $45^{\circ} 00'$, 290.40 feet to an iron stake for a corner;

THENCE Northerly $10^{\circ} 23'$, 150 feet to an iron stake for a corner;

THENCE Westerly $45^{\circ} 00'$, 290.40 feet to an iron stake on the East line of the extension of Gus Thomasson Road;

THENCE Southerly along this line 150 feet to the place of Beginning.

TRACT II

ALL that certain tract or parcel of land located in the W. Foreman Survey, Abstract No. 486, City of Mesquite, Dallas County, Texas, and being a part of an 18.0 acre tract conveyed to Ray H. Price on August 6, 1951, and being more particularly described as follows:

BEGINNING at an iron rod on the Southeast corner of Gus Thomasson Road Extension (100 feet wide), and Tripp Road (60 feet wide);

THENCE North $59^{\circ} 58'$ East 35.43 feet to an iron rod in the South line of Tripp Road, and the beginning of a curve to the right;

THENCE 201.63 feet around said curve whose central angle is $16^{\circ} 50'$, radius is 686.30 feet and tangent is 101.54 feet to an iron rod, also the Northwest corner of the Ralph Stone tract;

THENCE South $43^{\circ} 58'$ East 259.42 feet to an iron rod on the East line of said Price 18.0 acre tract;

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EXHIBIT "A"/PAGE 2

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THENCE South $64^{\circ} 32'$ West 449.16 feet to an iron rod
on the East line of Gus Thomasson Road Extension;

THENCE Northerly 213.66 feet around a curve to the
right (tangent bears North $9^{\circ} 29'$ West) whose central
angle is $17^{\circ} 32'$, radius is 698.19 feet and tangent
is 107.67 feet to an iron rod;

THENCE North $8^{\circ} 03'$ East 76.27 feet to the Place of
Beginning and containing 2.069 acres of land.