

ORDINANCE NO. 946

Case No. HG-9

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 "D" DUPLEX DISTRICT TO "C" COMMERCIAL DISTRICT, WITH THE STIPULATION THAT A FIVE (5) FOOT RIGHT-OF-WAY DEDICATION FOR MARIPOSA DRIVE BE MADE, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS LOTS 9, 30, 31 AND 32 OF HILHOME GARDENS ADDITION NO. 1 TO THE CITY OF MESQUITE, AND FURTHER DESCRIBED IN SECTION I 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 THE FOREGOING ZONING IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND HEREIN BEING IN CONFORMITH 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 "D" Duplex District to "C" Commercial District, with the stipulation that a five (5) foot right-of-way dedication be made for Mariposa Drive, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

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BEING Lots 9, 30, 31 and 32, Block 2, Hilhome Gardens Addition No. 1, an addition to the City of Mesquite, Texas, recorded in Volume 7 at Page 259, Map Records Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 32, Block 2, said point being in the South line of Mariposa Drive;

THENCE along the South line of Mariposa Drive with a circular curve to the left having a central angle of  $11^{\circ} 04' 24''$  and a radius of 1152.2 feet, a distance of 222.6 feet to an iron rod for a corner, said point being the Northeast corner of Lot 30;

THENCE South  $26^{\circ} 49' 52''$  East a distance of 400.0 feet to an iron rod at the Southeast corner of Lot 9;

THENCE with a circular curve to the right having a central angle of  $3^{\circ} 41' 28''$  and a radius of 1552.2 feet, a distance of 100.0 feet to an iron rod at the Southwest corner of Lot 9;

THENCE North  $23^{\circ} 08' 24''$  West a distance of 200.0 feet to an iron rod at the Northwest corner of Lot 9;

THENCE with a circular curve to the right having a central angle of  $7^{\circ} 22' 56''$  and a radius of 1352.2 feet a distance of 174.2 feet to an iron rod at the Southwest corner of Lot 32;

THENCE North  $15^{\circ} 45' 28''$  West a distance of 200.0 feet to the Point of Beginning.

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.

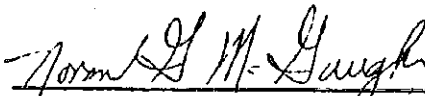
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred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

  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

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