

ORDINANCE NO. 966

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 875 PASSED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON SEPTEMBER 8, 1970, BY ADDING CERTAIN FIELD NOTES ATTACHED HERETO AS EXHIBIT "A" INADVERTENTLY OMITTED IN THE ORIGINAL DRAFT SO AS TO GRANT A CHANGE OF ZONING ON THE LAND DESCRIBED IN EXHIBIT "A" AND CALLED TRACT LI FROM "LR" LOCAL RETAIL AND "A" APARTMENT TO "LR" LOCAL RETAIL; 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 BEING DEVELOPED IN CONFORMITY WITH 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:

WHEREAS, the City Council duly passed Ordinance No. 875, but the field notes and clause granting a change of zoning to "Tract II" was inadvertently omitted from the written draft of Ordinance 875;

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

SECTION 1. That Ordinance No. 875 is hereby amended so as to grant a change of zoning on the land described in Exhibit "A" attached hereto, called Tract II as follows:

From "LR" Local Retail and "A" Apartment to "LR" Local Retail

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all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed, and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.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 in 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.

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DULY PASSED by the City Council of the City of Mesquite, Texas,
on the 2nd day of August, A.D., 1971.



Don H. Cook
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:


Sue Frost ~~Noted to the City~~
Acting City Secretary
Elland Archer
City Attorney

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Exhibit (A)

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being a part of the Daniel Tanner Survey, Abstract 1462, and also being a part of a 45.66 acre tract conveyed to M. L. Canfield on August 22, 1952, and recorded in the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner in the intersection of the northwesterly line of Hillcrest Street (50 feet wide) and the northeasterly line of Gross Road (120 feet wide);

THENCE North $45^{\circ} 39'$ West along the northeasterly line of Gross Road a distance of 440.00 feet to a point for corner, said point being the most westerly corner of said Canfield tract;

THENCE North $44^{\circ} 26'$ East along the northwesterly line of said Canfield tract a distance of 200.00 feet to a point for corner;

THENCE South $45^{\circ} 39'$ East a distance of 440.00 feet to a point for corner in the northwesterly line of Hillcrest Street;

THENCE South $44^{\circ} 26'$ West along the northwesterly line of Hillcrest Street a distance of 200.00 feet to the place of beginning and containing 2.02 acres.

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