

00095

ORDINANCE NO 989

Case #1462-77

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 TO "SP" SPECIAL PERMIT FOR THE CONSTRUCTION OF A 180-FOOT TWO-WAY RADIO COMMUNICATION TOWER AND A SMALL EQUIPMENT-SERVICE BUILDING TO BE USED FOR INSTALLATION AND SERVICING OF TWO-WAY RADIO COMMUNICATION EQUIPMENT; SAID PROPERTY BEING SITUATED IN THE J. W. HALFORD SURVEY, ABSTRACT NO. 589. AND DANIEL TANNER SURVEY, ABSTRACT NO. 1462, OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN SECTION 1; 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 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 to "SP"

00096
3/2/77

ORDINANCE/PAGE 2
Case #1462-77

Special Permit for the construction of a 180-foot two-way radio communication tower and a small equipment-service building to be used for installation and servicing of two-way radio communication equipment; said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land situated in the J. W. Halford Survey, Abstract No. 589 and Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and further being part of a 100 acre tract of land as conveyed to Mrs. Margaret Schuster Marshall, Schuyler B. Marshall III, and Charles Bost Marshall, by deed recorded in Volume 1771, at page 629 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the West line of Peachtree Road, (a 60 foot Right-of-Way) said point being the Northeast corner of a tract of land as conveyed to Leo P. Sharp by deed dated October 30, 1963, said point further being the Southeast corner of said Marshall Tract and being North $0^{\circ} 17'$ West, a distance of 433.36 feet from the Northwest corner of Picadilly Boulevard and Peachtree Road, a concrete monument set for corner;

THENCE, North $89^{\circ} 30'$ West, along the North line of said Leo P. Sharp tract and the South line of said Marshall Tract a distance of 203.85 feet to an iron stake found for corner;

THENCE, North $0^{\circ} 45'$ West, leaving the said South line of said Marshall tract, a distance of 161.74 feet to an iron stake found for corner;

THENCE South $89^{\circ} 35'$ East, a distance of 205.00 feet to a point on the said West line of Peachtree Road;

THENCE South $0^{\circ} 45'$ East, along the said West line of Peachtree Road a distance of 20.30 feet to a concrete monument set for angle point;

THENCE South $0^{\circ} 17'$ East, continuing along said West line of Peachtree Road a distance of 141.72 feet to the Place of Beginning and containing 0.760 acres of land.

00097

ORDINANCE/PAGE 3
Case #1462-77

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.

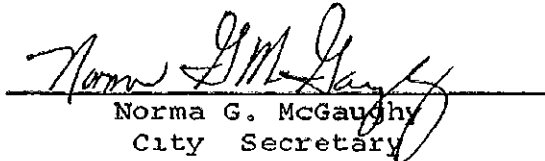
00098
(0000)

ORDINANCE/PAGE 4

DULY PASSED by the City Council of the City of Mesquite,
Texas, on the 15th day of November, A.D., 1971.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney