

ORDINANCE NO. 996

00129

Case #812-3

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 "LR" LOCAL RETAIL DISTRICT ON TRACTS 9 AND 10, ABSTRACT #812 OF THE W. J. LEWIS SURVEY, CITY OF MESQUITE TAX RECORDS, SAID PROPERTY LOCATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AS 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 THE FOREGOING ZONING IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND HEREIN 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 Tracts 9 and 10, Abstract #812 of the W. J. Lewis Survey, City of Mesquite Tax Records, from "R-3" Single

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Family Dwelling District to "LR" Local Retail District, said property being located in the City of Mesquite, Dallas County, Texas, and further described in Exhibit "A" which is attached hereto as a part of this ordinance.

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", and 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" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest,

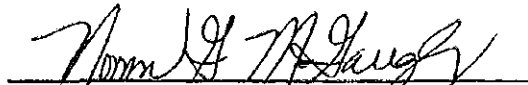
comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 20th day of December, A.D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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EXHIBIT "A"

BEING Tracts 9 and 10, Abstract #812 of the W. J. Lewis Survey, City of Mesquite, Dallas County, Texas, and further described as follows:

Tract I.
(Tract 10)

BEGINNING at the Northwest corner of said Whitehurst Tract, said point being the Southwest corner of Highland Hills Addition, said point also being on the East line of Pioneer Road (an 80 foot Right-of-Way);

THENCE South $89^{\circ} 46'$ East with the North line of the said Whitehurst Tract and the South line of the said Highland Hills Addition, 324.13 feet to a point for corner;

THENCE South 223.43 feet to a point of the Northerly line of Sierra Drive (a 60 foot Right-of-Way);

THENCE South $58^{\circ} 00'$ West with a Northerly line of said Sierra Drive, 57.86 feet to the beginning of a curve to the right having a radius of 303.64 feet and a central angle of $32^{\circ} 00'$;

THENCE in a Westerly direction with the Northerly line of Sierra Drive and around said curve, 169.58 feet to the end of said curve;

THENCE West with the North line of Sierra Drive 114.33 feet to a point on the East line of the aforementioned Pioneer Road;

THENCE North with the East line of Pioneer Road, 301.44 feet to the place of beginning and containing 2.11 acres of land.

Tract II.
(Tract 9)

BEGINNING at the Southeast corner of Sierra Drive (a 60 foot Right-of-Way) and Pioneer Road (an 80 foot Right-of-Way);

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Exhibit "A" Cont'd

THENCE East with the South line of Sierra Drive, 114.33 feet to the beginning of a curve to the left having a radius of 363.64 feet and a central angle of 32° 00';

THENCE in a Northeasterly direction and around said curve, 203.09 feet to the end of said curve, a point for corner;

THENCE South, 555.13 feet to the beginning of a curve to the right having a radius of 2454.09 feet and a central angle of 8° 45';

THENCE in a Southerly direction and around said curve, 374.78 feet to the end of said curve;

THENCE South 8° 45' West, 81.09 feet to a point for corner;

THENCE South 49° 21' 30" West 22.76 feet to a point for corner;

THENCE West, 248.85 feet to a point on the East line of the aforementioned Pioneer Road;

THENCE North with the East line of Pioneer Road, 968.17 feet to the place of beginning and containing 6.76 acres of land.

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