

8.2.1964  
CG145

ORDINANCE NO. 1000

Case 1462-76

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 "A" APARTMENT DISTRICT TO "LR" LOCAL RETAIL DISTRICT WITH THE STIPULATION THAT A 6-FOOT MASONRY FENCE BE PROVIDED BETWEEN THE LOCAL RETAIL TRACT AND THE SURROUNDING RESIDENTIALLY ZONED AREA ON 7.18 ACRES OF TRACT 42, SHEET 14-A, OUT OF THE DANIEL TANNER SURVEY, ABSTRACT #1462 OF THE CITY OF MESQUITE TAX RECORDS, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN SECTION 1 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 CHANGE 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 property described below from "A" Apartment to "LR" Local Retail District with the stipulation that

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a 6-foot masonry fence be provided between the local retail tract and the surrounding residentially zoned area, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being all of the remaining portion of a 9.11 acre tract of land conveyed to Eastern Hills Shopping Center, Inc., by H. E. Enlow, as recorded in Volume 5437, page 214, Dallas County Deed Records, and being more particularly described as follows:

BEGINNING at the present most Westerly corner of said Eastern Hills Shopping Center, Inc., tract, said point being in the Southeast line of Town East Boulevard (a 100 foot Right-of-Way), said point also being the present most Northerly corner of a tract of land owned by Travilla S. Williams, said point being on a curve to the right, having a radius of 4,702.55 feet a central angle of  $1^{\circ} 41' 44''$  and a tangent bearing of North  $45^{\circ} 50' 11''$  East; an iron pipe set for corner;

THENCE in a Northeasterly direction with the Southeasterly line of said Town East Boulevard, and along said curve 139.17 feet to the West corner of a tract of land conveyed to Shell Oil Company, as recorded in Volume 5683, page 495, Dallas County Deed Records; an iron stake for corner;

THENCE South  $45^{\circ} 03'$  East with the Southwesterly line of said Shell Oil Company Tract, 150.00 feet to the South corner of said Shell Oil Company Tract; an iron pipe set for corner;

THENCE North  $45^{\circ} 15'$  East with the Southeasterly line of said Shell Oil Company Tract, 150.00 feet to a point in the Southwesterly line of Motley Road (an 80 foot Right-of-Way); an iron pipe set for corner;

THENCE South  $45^{\circ} 00'$  East with the Southwesterly line of said Motley Road 181.19 feet to the beginning of a curve to the left, having a radius of 1,169.21 feet a central angle of  $15^{\circ} 08'$ ; an iron pipe set for corner;

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THENCE in a Southeasterly direction with the Southwesterly line of said Motley Road, and along said curve, 308.82 feet to the end of said curve; an iron pipe set for corner;

THENCE South 60° 08' East with the Southwesterly line of Motley Road, 386.77 feet to a point, said point being 1151 West of the Northwesterly line of Eastridge Park #1, an addition to the City of Mesquite, Texas;

THENCE in a Southwesterly direction 407 feet to a point for a corner, said point being South 49° 07' 44" East 120 feet from an iron stake in an alley of Eastridge Park #1;

THENCE North 49° 07' 44" West with the Southwesterly line of said 9.11 acre tract, 366.12 feet to the East corner of the aforementioned Travilla Williams Tract; an iron pipe set for corner;

THENCE North 45° 00' West with the Southwesterly line of said 9.11 acre tract, being the Northeasterly line of said Travilla Williams Tract, 705.50 feet to the Place of Beginning and containing approximately 7.18 acres of land.

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 above 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. 838 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.


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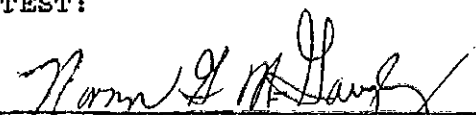
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. Whereas, the property above-described 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 said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 17th day of January, A.D., 1972.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney