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ORDINANCE NO. 1018

CASE 40-1

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-1" SINGLE FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT ON APPROXIMATELY 12 ACRES AND "I" INDUSTRIAL DISTRICT ON APPROXIMATELY 60 ACRES, WITH THE FOLLOWING REQUIREMENTS: (1) THAT 20 FEET OF RIGHT-OF-WAY BE DEDICATED ON THE NORTH SIDE OF NEWSOM ROAD, ALONG THE PROPERTY OF PARAGON INDUSTRIES; (2) THAT 40 FEET OF RIGHT-OF-WAY BE DEDICATED ON THE SOUTH SIDE OF SCYENE ROAD, ALONG THE PROPERTY OF PARAGON INDUSTRIES; (3) THAT 5 FEET OF RIGHT-OF-WAY BE DEDICATED ON THE WEST SIDE OF CLAY ROAD, ALONG THE PROPERTY OF PARAGON INDUSTRIES; AND (4) THAT A SEWER EASEMENT BE GRANTED FOR NORTH MESQUITE SEWER LINE, THROUGH THE PROPERTY OF PARAGON INDUSTRIES; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE 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 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:

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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 in Exhibit "A", as attached hereto and made a part of this ordinance, from "R-1" Single Family Dwelling District to "C" Commercial District on approximately 12 acres and "I" Industrial District on approximately 60 acres, with the following requirements:

- (1) That 20 feet of right-of-way be dedicated on the North side of Newsom Road, along the property of Paragon Industries;
- (2) That 40 feet of right-of-way be dedicated on the South side of Scyene Road, along the property of Paragon Industries;
- (3) That 5 feet of right-of-way be dedicated on the West side of Clay Road, along the property of Paragon Industries; and
- (4) That a sewer easement be granted for North Mesquite sewer line, through the property of Paragon Industries;

said property being in the City of Mesquite, Dallas County, Texas, and further described in Exhibit "A" as attached hereto and made 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" shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

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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 said ordinance, as the law in such cases provides.

DULY PASSED BY the City Council of the City of Mesquite,
Texas, on the 3 day of April, A.D., 1972.

George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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EXHIBIT "A"

"C" COMMERCIAL DISTRICT

BEING a tract out of the R. McCormick Survey, Abstract No. 1671, and Samuel Andrew Survey, Abstract No. 40, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the West line of Clay Road (a 50 foot Road) with the intersection of the North line of Newsom Road (a 40 foot Road);

THENCE North $02^{\circ} 00' 20''$ East along said West line of Clay Road (with an old fence line) 540.83 feet to point for corner in the South line of Old Terrell Interurban 100 foot right-of-way (nor deeded to County of Dallas);

THENCE South $89^{\circ} 51' 10''$ to a point for corner in the West line of C. W. Bull Tract and the East line of the tract deeded to Paragon Industries, Inc., in September 1971, which point is 300 feet North of the North line of Newsom Road;

THENCE South $0^{\circ} 20' 05''$ West along an old fence line to point for corner the said North line of Newsom Road;

THENCE North $89^{\circ} 51' 10''$ East along said North line of Newsom Road (with a meandering fence line), 1130.78 feet to beginning of a curve to the right having a central angle of $26^{\circ} 03'$ and a radius of 736.30 feet;

THENCE around said curve to the right along said North line of Newsom Road 334.76 feet to end of said curve;

THENCE South $64^{\circ} 05' 50''$ East along said North line of Newsom Road (with an old meandering wire fence) 317 feet to the beginning of said curve to the left having a central angle of $4^{\circ} 32' 42''$ and a radius of 616.8 feet;

THENCE around said curve to the left 48.95 feet (with said North line of Newsom Road) to the Place of Beginning.

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EXHIBIT "A"

"I" INDUSTRIAL DISTRICT

BEING a tract out of the Samuel Andrews Survey, Abstract No. 40, and the R. McCormick Survey, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Scyene Road (a variable width Road) with the East line of Clay Road (a 50 foot Road);

THENCE North $83^{\circ} 34'$ West along the South line of Scyene Road 2482.0 feet to point for corner;

THENCE South $6^{\circ} 26'$ West 20 feet to point for corner;

THENCE North $83^{\circ} 34'$ West with the said South line of Scyene Road 110 feet to point for corner in the East line of the C. W. Bull Tract;

THENCE South $3^{\circ} 43'$ West along the old wire fence 403.9 feet to Bois-d-arc post for corner;

THENCE South $89^{\circ} 46' 54''$ East along an old wire fence 763.86 feet to Bois-d-arc post for corner;

THENCE South $0^{\circ} 20' 05''$ West along an old wire fence crossing at 683.8 feet North line of Old Terrell Interurban foot right-of-way in all a total of 1187.24 feet to a point for corner 300 feet North of the North line of Newsom Road;

THENCE North $89^{\circ} 51' 10''$ East parallel with said North line of Newsom Road for 1130.78 feet and continuing in a straight line to a point for corner in the West line of Clay Road 540 feet North of its intersection with the North line of said Newsom Road;

THENCE North along with the West line of said Clay Road 1314.07 feet to the place of beginning.

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