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ORDINANCE NO. 1027

CASE 1462-79

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 "C" COMMERCIAL WITH A SPECIAL PERMIT FOR A SERVICE STATION-CAR CARE CENTER, CONSISTING OF A GASOLINE FILLING STATION AND AUTOMOTIVE REPAIR, SAID PROPERTY BEING ON TRACT 1 AND TRACT 28, D. TANNER SURVEY, ABSTRACT #1462, SHEET 14C, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING 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:

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" and

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attached hereto as a part of this ordinance, from "R-3" Single Family Dwelling District to "C" Commercial District with a Special Permit for a Service Station-Car Care Center, consisting of a gasoline filling station and automotive repair; said property being in the City of Mesquite, Dallas County, Texas.

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 as a part of this ordinance, 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", and attached hereto as a part of this ordinance, requires that it be given the above zoning classification in order to permit its

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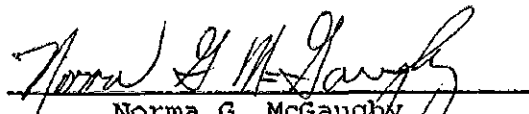
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proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance 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 1 day of May, A.D., 1972.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"
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TRACT I

Situated in Dallas County, Texas, and being a 0.53 acre tract of land fronting 118.0 feet on Interstate 20, 166.9 feet on Samuell Boulevard, and 257.13 feet on Murphy School-New Hope Road, and being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1461, Dallas County, Texas, and being out of a one acre tract conveyed to Fred B. Ferguson and Blanche Ferguson by Glen W. Ferguson and Thelma E. Ferguson by deed records in Volume 3160, Page 200, Dallas County Deed Records, and being more particularly described as follows:

BEGINNING at a point on the North line of Old U.S. Highway 80, (a 120 foot right-of-way), and on the Southeasterly line of Murphy School, New Hope Road, (a 60 foot right-of-way), an iron pipe found for corner;

THENCE North 44° 25' East, 257.12 feet along the Southeasterly line of said Murphy School, New Hope Road, to a point on the Southwesterly line of U. S. Highway 80, a right-of-way marker for corner;

THENCE South 45° 08' East, 118.0 feet along the Southwesterly line of said U. S. Highway 80, an iron pipe found for corner;

THENCE South 44° 31' West, 137.88 feet to a point on the North line of said Old U. S. Highway 80, an iron pipe found for corner;

THENCE South 89° 17' West, 166.90 feet along the North line of said Old U. S. Highway 80, to the PLACE OF BEGINNING and containing 0.53 acres of land.

TRACT II

All that certain tract of land located in the Daniel Tanner League, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being more fully described as follows:

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TRACT II - CONTINUED

BEGINNING at an iron rod on the Southwesterly line of the Service Road of Interstate 20, and South 45° 18', East 148.00 feet from the Northwesterly line of said Tanner League, also the Easterly corner of a 0.33 acre tract conveyed from Harry B. Price to Ruby F. Price on January 14, 1970, and recorded in Volume 70054, Page 0452, Deed Records;

THENCE South 45° 18' East 137.29 feet to an iron rod on the North line of Samuell Boulevard, West line of Town East Boulevard and the Service Road of Interstate 20;

THENCE South 59° 17', West 194.13 feet along the North line of Samuell Boulevard to an iron rod at the Southeast corner of said Price Tract;

THENCE North 44° 17', East 138.28 feet along Price's line to the Place of Beginning and containing 0.217 acre or 9452 square feet of land.

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