

## ORDINANCE NO. 1033

CASE CV15-8

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; SAID PROPERTY BEING LOT 42, BLOCK 16, CASA VIEW HEIGHTS #15 ADDITION TO 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:

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

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by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "R-3" Single Family Dwelling District to "LR" Local Retail District, said property being Lot 42, Block 16, Casa View Heights #15 Addition to 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.

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

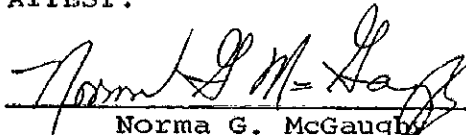
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the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and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

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 22 day of May, A.D., 1972.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaugh  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

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EXHIBIT "A"

"R-3" TO "LR"  
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BEING the Holy Trinity Evangelical Luthern Church property out of Lot 42, Block 16, Casa View Heights No. 15, an addition to the City of Mesquite, Dallas County, Texas, out of the William Johnson Survey, Abstract No. 706, and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the Southwest line of Gus Thomasson Road (120 foot Right-of-Way) with the Southeast line of La Prada Drive (80 foot Right-Of-Way);

THENCE South  $44^{\circ} 43'$  East with the said Southwest line a distance of 412.53 feet to a point for a corner at the North corner of property once owned by the said church;

THENCE South  $45^{\circ} 17'$  West with the common line of said properties a distance of 274.37 feet to the Northeast line of a 10.00 foot alley and a point for a corner;

THENCE North  $40^{\circ} 31'$  West with the said Northeast line a distance of 413.81 feet to a point for a corner at the intersection of said line with the said Southeast line of La Prada Drive;

THENCE North  $45^{\circ} 17'$  East with the said Southeast line a distance of 239.97 feet to the Point of Beginning and containing 2.455 acres of land.