

ORDINANCE NO. 1034

CASE 1353-3

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 TO A SPECIAL PERMIT FOR A HOSPITAL AND CLINIC BUILDING, SUBJECT TO THE FOLLOWING STIPULATIONS: (1) THAT THERE SHALL BE NO ENTRANCES OR EXITS FROM THE SUBJECT PROPERTY ONTO NEWSOM ROAD; (2) THAT THE DEVELOPER SHALL EXTEND DAVIS STREET EASTERLY ALONG THE SUBJECT PROPERTY; (3) THAT A STREET SHALL BE EXTENDED FROM THE PROPOSED DAVIS STREET EXTENSION NORTHWARD TO CONNECT WITH SCYENE ROAD; AND (4) THAT THE SITE FOR THE HOSPITAL AND CLINIC BUILDING SHALL BE NO CLOSER THAN 410 FEET TO NEWSOM ROAD; SAID PROPERTY IS LOCATED ON A 15 ACRE TRACT OUT OF THE THOMAS SCOTT SURVEY, ABSTRACT NO. 1353, 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, to Special Permit for a Hospital and Clinic Building, subject to the following stipulations:

- (1) That there shall be no entrances or exits from the subject property onto Newsom Road;
- (2) That the developer shall extend Davis Street easterly along the subject property;
- (3) That a street shall be extended from the proposed Davis Street extension Northward to connect with Scyene Road; and
- (4) That the site for the Hospital and clinic building shall be no closer than 410 feet to Newsom Road.

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.


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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.

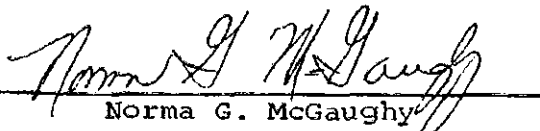
SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for 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 AND APPROVED by the City Council of the City of Mesquite, Texas, on the 22 day of May, 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"

SPECIAL PERMIT FOR
HOSPITAL AND CLINIC
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BEING 15.05 acres out of the Thomas Scott Survey, Abstract 1353, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the West line of the Royal Land Development Company, Inc., Tract, said point being 550.35 feet East of the intersection of Pioneer Road and Newsom Road, and 410.0 feet North of the Southwest corner of said tract;

THENCE North along the West line of the Royal Land Development Company, Inc., tract and the East line of Mesquite Highlands Addition to the City of Mesquite, 723.87 feet to point for corner;

THENCE South $73^{\circ} 49'$ East 250.00 feet to point for corner;

THENCE North $89^{\circ} 02'$ East 756.87 feet to point for corner;

THENCE South 650.14 feet to point for corner;

THENCE South $89^{\circ} 02'$ West 997.00 feet to the point of beginning, containing 15.05 acres of land.