

## ORDINANCE NO. 1042

CASE 1031-5

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-1" APARTMENT DWELLING DISTRICT AND "R-2" SINGLE FAMILY DWELLING DISTRICT TO "C" COMMERCIAL DISTRICT, SAID PROPERTY BEING OUT OF THE MC KINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1031, 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

00328

ORDINANCE/PAGE 2  
CASE 1031-5

by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "A-1" Apartment Dwelling District and "R-2" Single Family Dwelling District to "C" Commercial District, said property being out of the McKinney and Williams Survey, Abstract 1031, 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.

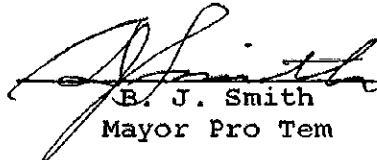
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964, of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred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

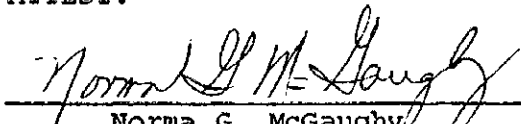
ORDINANCE/PAGE 3  
CASE 1031-5

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.

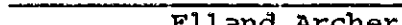
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 5 day of June, A.D., 1972.

  
B. J. Smith  
Mayor Pro Tem

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
Elland Archer  
City Attorney

00329

EXHIBIT "A"

CASE 1031-5  
"A-1" & "R-2" TO "C"

BEING all that certain lot, tract, or parcel of land situated in Dallas County, Texas, and being out of the McKinney and Williams Survey, Abstract No. 1031, and being part of a tract of land conveyed to H. A. Duffer, and wife, Betty K. Duffer by deed dated March 26, 1959, and recorded in Volume 5081 at page 18, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod for corner in the East line of Interstate Highway No. 635 with the intersection of the North line of said Duffer tract, said point also being the Southwest corner of a tract of land conveyed to H. Lloyd Lufkin, trustee, by deed dated December 18, 1969, and recorded in Volume 69247 at page 1635, of the Deed Records of Dallas County, Texas;

THENCE North  $89^{\circ} 47' 28''$  East along the South line of said Lufkin tract, a distance of 1581.28 feet to its Southeast corner;

THENCE South  $0^{\circ} 15'$  West, a distance of 216 feet to an iron rod for corner;

THENCE South  $89^{\circ} 47' 28''$  West, a distance of 1491.40 feet to an iron rod for corner in the East line of Interstate Highway 635;

THENCE North  $22^{\circ} 24' 36''$  West along the East line of Interstate Highway No. 635, a distance of 233.28 feet to the place of Beginning, and containing 7.6178 acres of land, more or less.