

ORDINANCE NO. 1054

CASE 1462-82

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 "I" INDUSTRIAL DISTRICT SUBJECT TO DEDICATION OF A 10 FOOT RIGHT-OF-WAY FOR THE WIDENING OF FORNEY ROAD, ON TRACT 17, SHEET 14-E OF THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462 OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID LAND 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 from "R-3" Single Family Dwelling District to "I" Industrial District, subject to

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dedication of a 10 foot right-of-way for the widening of Forney Road, on Tract 17, Sheet 14-E of the Daniel Tanner Survey, Abstract No. 1462 of the City of Mesquite, Dallas County, Texas, said land being 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 the public interest, comfort, and general welfare of the City of Mesquite, and

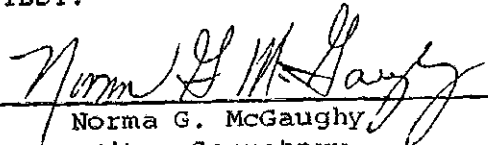
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creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases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

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 7 day of August, 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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All that certain tract or parcel of land located in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being a part of Share No. 8 to Mary Etta Chase Bonta in Volume A, Page 149, Auxiliary Records of 14th Judicial District Court, Dallas County, and being the same land conveyed from W. M. Kirby to W. A. Delock on October 8, 1938, recorded in Volume 2116, Page 376, Deed Records, and being more fully described as follows:

BEGINNING at an iron rod on the Northwest line of Forney Road, (60 feet wide), and at the East corner of Texas Power and Light 1.033 acre tract;

THENCE North $44^{\circ} 53'$ West 436.00 feet to an iron rod at the South corner of a 49.697 acre tract conveyed to B. W. Cruce, Jr., filed April 17, 1969;

THENCE North $45^{\circ} 05'$ East 903.30 feet to an iron rod at an inside corner on said Cruce 49.697 acre tract;

THENCE South $45^{\circ} 26'$ East 434.70 feet to an iron rod on the Northwest line of Forney Road;

THENCE South 45° West 907.47 feet along Forney Road to the Place of Beginning and containing 9.048 acres of land.