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ORDINANCE NO. 1056

CASE 1462-80

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 ON 1.58 ACRE TRACT OF LAND IN THE DANIEL TANNER LEAGUE ABSTRACT NO. 1462 OF THE 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", as

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attached hereto and made a part of this ordinance, from "R-3" Single Family Dwelling District to "LR" Local Retail District, said property being 1.58 acre tract of land in the Daniel Tanner League Abstract No. 1462 of the City of Mesquite, Dallas County, Texas, and further described in Exhibit "A".

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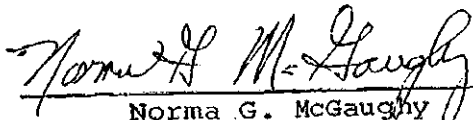
creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

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:

APPROVED AS TO FORM:


Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

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EXHIBIT "A"

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BEING a tract of land situated in the Daniel Tanner League Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the Northeast line of Gross Road (a 120 foot Right-of-Way), said point being South $45^{\circ} 10'$ East a distance of 606.22 feet from the intersection of the Southeast line of Hillcrest Street (a 50 foot Right-of-Way), with the said Northeast line of Gross Road said point also being the South corner of a 26.25 acre tract conveyed to the City of Mesquite in deed filed September 21, 1962, of the Deed Records of Dallas County, Texas, and iron stake for corner;

THENCE North 45° East leaving the said Northeast line of Gross Road and proceeding with the Southeast line of said 26.25 acre City of Mesquite Tract a distance of 225 feet a point for corner;

THENCE South $45^{\circ} 10'$ East and parallel to the said Northeast line of Gross Road a distance of 306 feet a point for corner;

THENCE South 45° West with the Southeast line of said Bobby J. Boone Tract, same being with the Northwest line of a 13.19 acre tract conveyed to V. L. Spillers in Deed filed December 27, 1951, in the Deed Records of Dallas County, Texas, a distance of 225 feet to a point in the said Northeast line of Gross Road, an iron rod for corner;

THENCE North $45^{\circ} 10'$ West with the said Northeast line of Gross Road a distance of 306.0 feet to the Place of Beginning and containing 1.58 acre of land.