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ORDINANCE NO. 1079

CASE 810-5

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 FOR A "SP" SPECIAL PERMIT FOR A MULTI-STORY OFFICE BUILDING OF SEVEN OR MORE STORIES, SUBJECT TO THE LOCAL RETAIL SETBACK REQUIREMENTS OF TWENTY-FIVE FEET PLUS ONE FOOT FOR EACH TWO FEET OF STRUCTURE HEIGHT ABOVE SIX STORIES, ON A PORTION OF TRACT 12, SHEET 16A, LACKEY SURVEY, ABSTRACT #810, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID PROPERTY 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:

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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 "SP" Special Permit for a multi-story office building of seven or more stories, subject to the local retail setback requirements of twenty-five feet plus one foot for each two feet of structure height above six stories, on a portion of Tract 12, Sheet 16A, Lackey Survey, Abstract #810, City of Mesquite, Dallas County, Texas, said property 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.

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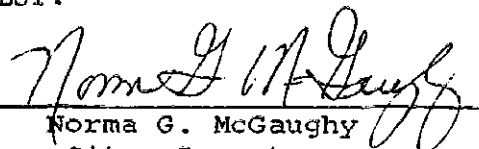
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964, of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred 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 this the 23 day of October, 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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BEING all that certain tract of land located in the Jacob Lakey Survey, Abstract No. 810, City of Mesquite, Dallas County, Texas, and being more fully described as follows:

BEGINNING at a nail in asphalt at the Southwest corner of North Galloway Avenue and Municipal Way and being South 0, 36' East 20 feet from the Northeast corner of a 10 acre tract conveyed by R. N. Kearney to Jean F. McCullough on March 23, 1955, recorded in Volume 425, page 604, Deed Records;

THENCE South 0° 36' East 536.35 feet along the West line of North Galloway Avenue to an iron rod at the Southeast corner of said 10 acre tract;

THENCE North 89° 56' West, at 20 feet pass the Northeast corner of a 0.41 acre tract conveyed to Humble Oil Company on September 1, 1959, recorded in Volume 5198, page 104, continue a total distance of 145 feet to the Northwest corner of said Humble tract, also being the Northeast corner of a tract conveyed by Jack Tynes, Riley Burch and O. L. Nelms, Trustee, to Max McCullough in December, 1963;

THENCE South 0° 30' East 142.44 feet to the North line of West Kearney Street, 40 feet from center line and the Southwest corner of said Humble tract;

THENCE South 89° 51' West 633.52 feet along the North line of West Kearney Street to an iron rod on the East line of North Ebrite Street, being North 89° 51' East 337.53 feet from the East line of Desco Drive;

THENCE North 17° 47', 30" East 16.36 feet along the chord of a curve, whose central angle is 35° 53', radius is 26.56 feet tangent is 8.60 feet and length is 16.63 feet, to an iron rod;

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THENCE North 35° 44' East 155.56 feet to an iron rod
at the beginning of a curve;

THENCE 205.34 feet around said curve, whose central
angle is 36° 12', radius is 325 feet and tangent is
106.23 feet, to an iron rod;

THENCE North 0° 28' West 345.04 feet along the East
line of North Ebrite Street to an iron rod at the
Southeast corner of North Ebrite Street, 50 feet wide,
and Municipal Way, 50 feet wide;

THENCE North 89° 55' East 617.5 feet, 20 feet from and
parallel to the North line of said 10 acre tract, to
the Place of Beginning and containing 9.617 acres or
418,916 square feet of land.

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