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ORDINANCE NO. 1094

CASE 1461-37

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 "SP" SPECIAL PERMIT TO ALLOW THE OPERATION OF A SELF-SERVICE GASOLINE STATION WITH THE STIPULATIONS THAT SELF-SERVICE PUMPS BE CONTROLLED BY ELECTRONIC EQUIPMENT WITHIN THE STATION AND THAT NO USE OTHER THAN THE EXISTING SERVICE STATION AND AUTOMATIC CAR WASH BE ALLOWED; SAID PROPERTY BEING ON TRACT 1, SHEET 1, ABSTRACT #1461, T. THOMAS SURVEY, 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 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

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by amending the Zoning Map of the City of Mesquite so as to grant a "SP" Special Permit to allow the operation of a self-service gasoline station with the stipulations that self-service pumps be controlled by electronic equipment within the station and that no use other than the existing service station and automatic car wash be allowed; said property being on Tract 1, Sheet 1, Abstract #1461, T. Thomas Survey, City of Mesquite, Dallas County, Texas, and 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 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 5. 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.

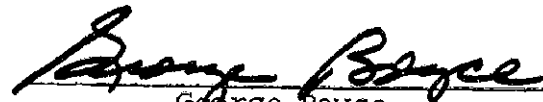
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SECTION 6. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, 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 January, A.D., 1973.


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 a part of the Theophalus Thomas Survey, Abstract #1461, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Easterly corner of the intersection of Gus Thomasson Road and Oates Road;

THENCE North $44^{\circ} 43'$ East 130 feet to an iron pin for corner;

THENCE South $45^{\circ} 36'$ East 130 feet to an iron pin for corner;

THENCE South $44^{\circ} 43'$ West a distance of 130 feet to an iron pin for a corner in the Northeasterly line of Gus Thomasson Road;

THENCE North $45^{\circ} 36'$ West along the right-of-way line of Gus Thomasson Road a distance of 130 feet to an iron pin, the Place of Beginning.