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ORDINANCE NO. 1102

CASE RALDON 2

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 CHANGE OF ZONING FROM "A-1" MULTI-FAMILY DWELLING DISTRICT TO "LR" LOCAL RETAIL DISTRICT ON PART OF TRACT 9, ABSTRACT 1461, T. THOMAS SURVEY; PART OF TRACT 1, ABSTRACT 1410, S. A. & M. G. R. R. SURVEY; AND A SMALL PORTION OF TRACT 1, ABSTRACT 1606, WARRALL SURVEY, 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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ORDINANCE/PAGE 2  
CASE RALDON 2

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 from "A-1" Multi-Family Dwelling District to "LR" Local Retail District on part of Tract 9, Abstract 1461, T. Thomas Survey; part of Tract 1, Abstract 1410, S.A. & M. G. R. R. Survey; and a small portion of Tract 1, Abstract 1606, Warrall Survey, 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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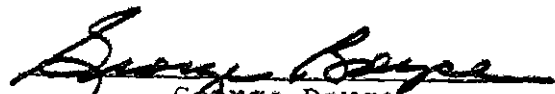
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ORDINANCE/PAGE 3  
CASE RALDON 2

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.

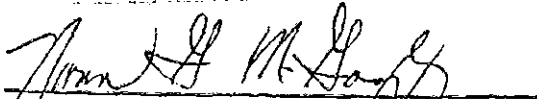
SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for 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 the 5 day of March, A.D., 1973.

  
George Boyce  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughy  
City Secretary

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Elland Archer  
City Attorney

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EXHIBIT "A"  
"A-1" TO "LR"

CASE RALDON 2

COMMENCING at the intersection of the Southeast line of U. S. Highway No. 67 and the Northeast line of Northwest Drive, thence South  $29^{\circ} 59' 34''$  East, along the Northeast line of Northwest Drive 215.59 feet to the point of beginning of a curve to the left, a point for corner; thence along the Northeast line of Northwest Drive and along said curve to the left, said curve having a radius of 505 feet, an arc distance of 32.93 feet to the point of Beginning, an iron stake for corner;

THENCE North  $78^{\circ} 37'$  East, along the South line of the Dallas Power & Light Company Right-of-Way, 838.82 feet to an iron stake for corner;

THENCE South  $11^{\circ} 23'$  East, 313 feet to an iron stake for corner;

THENCE South  $78^{\circ} 37'$  West, 371.74 feet to the point of beginning of a curve to the right, an iron stake for corner;

THENCE Northwesterly along said curve to the right, said curve having a radius of 505 feet, an arc distance of 596.30 feet to the Point of Beginning and containing 5.098 acres of land.

BEGINNING at a point in the Southwest line of Northwest Drive, said point being South  $29^{\circ} 59' 34''$  East, 211.23 feet from the Southeast line of U. S. Highway No. 67, an iron stake for corner;

THENCE South  $29^{\circ} 59' 34''$  East, continuing along the Southwest line of Northwest Drive, 1.14 feet to the point of beginning of a curve to the left, an iron stake for corner;

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EXHIBIT "A" CONTINUED  
CASE RALDON 2/ PAGE 2

THENCE Southeasterly along said curve to the left,  
said curve having a radius of 605 feet, an arc  
distance of 60.62 feet to an iron stake for corner;

THENCE South 78° 37' West, 464.17 feet to an iron  
stake for corner;

THENCE North 1° 30' 35" East, 81.50 feet to an iron  
stake for corner;

THENCE North 46° 15' 23" East, 168.98 feet to an  
iron stake for corner;

THENCE South 62° 03' East, 177.37 feet to an iron  
stake for corner;

THENCE North 78° 37' East, 143.50 feet to the Point  
of Beginning and containing 0.987 acres of land.

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