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ORDINANCE NO. 1119

CASE 1462-90

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 SPECIAL PERMIT FOR A PLANNED DEVELOPMENT, SUBJECT TO THE APPROVAL OF A DEVELOPMENT PLAN FOR THE AREA BY THE CITY PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL, SAID DEVELOPMENT PLAN TO INCLUDE LAND USES, DENSITY, LOCATION OF STRUCTURES, TYPE OF CONSTRUCTION, AND TRAFFIC FLOW; SAID PROPERTY BEING ON TRACTS 20, 21, AND 22 OF SHEET 14C, ABSTRACT 1462, D. TANNER 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 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 Regulation 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:

CC208

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ORDINANCE/PAGE 2
CASE 1462-90

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 Special Permit for a planned development, subject to the approval of a development plan for the area by the City Planning and Zoning Commission and the City Council, said development plan to include land uses, density, location of structures, type of construction, and traffic flow; said property being on Tracts 20, 21, and 22 of Sheet 14C, Abstract 1462, D. Tanner 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 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.

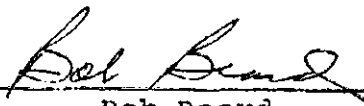
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ORDINANCE/PAGE 3
CASE 1462-90

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.

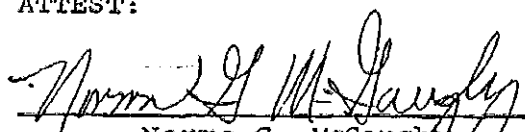
SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for 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 4 day of June , A.D., 1973.



Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"
CASE 1462-90

Being a tract of land consisting of 8 acres out of the D. Tanner League Abstract No. 1462, Dallas County, Texas, and being more particularly described in three tracts as follows:

Tract 1:

BEING a part of the D. Tanner League Abstract No. 1462 and being 3 acres of land off of the Northwest end of the Harry Briley Tract, and more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the Northwest line of said Tanner League with the South line of U. S. Highway 80 (East Pike);

THENCE South 45° 15' West along said League line, 874.2 feet to the West corner of said Harry Briley Tract;

THENCE South 45° East along his Southwest line 138.4 feet;

THENCE North 45° 15' East 1012.6 feet to the South line of U. S. Highway 80 (East Pike);

THENCE West along U. S. Highway 80 (East Pike), 195.8 feet to the place of Beginning, and being the same property conveyed to L. M. Bosman and wife, Helen Bosman, by D. L. Moore and wife, Catherine Moore, by deed dated January 23, 1948, recorded in Volume 2934, Page 99, Deed Records, Dallas County, Texas.

Tract 2:

BEING a part of the D. Tanner League, Abstract No. 1462, and being out of the Harry Briley Tract and described by metes and bounds as follows:

BEGINNING at a point on the South line of U. S. Highway 80 (East Pike) that is 195.8 feet East of its intersection with the Northwest line of said Tanner League, an iron pipe for corner;

THENCE South 45° 15' West along a line parallel with said Northwest line of the Tanner League, 1012.6 feet to a point in the Southwest line of said Briley Tract, an iron pipe for corner in a fence line;

EXHIBIT "A"/PAGE 2
CASE 1462-90

THENCE South 45° East along said Southwest line of the Briley Tract 82.6 feet to an iron pipe for corner in said fence;

THENCE North 45° 15' East 1095.3 feet to a point in said South line of U. S. Highway 80 (East Pike), an iron pipe for corner;

THENCE West along said South line of U. S. Highway 80 (East Pike), 117.3 feet to the point of Beginning and containing 2 acres of land, and being the same property conveyed to L. M. Bosman and Wife, Helen Bosman, by D.L. Moore and wife, Catherine Moore, by deed dated January 23, 1948, recorded in Volume 2934, Page 98, Deed Records, Dallas County, Texas.

Tract 3:

BEING a part of the D. Tanner League, Abstract No. 1462, and being out of the Harry Briley tract, and being more particularly described as follows:

BEGINNING at the Northeast corner of the L. M. Bosman 2-acre tract, a point on the South side of U. S. Highway 80 (East Pike), said point of beginning being 313.1 feet East of point of intersection of said South line with the Northwest line of said Tanner League;

THENCE East along said South line of said Highway 80 (East Pike) a distance of 160.8 feet;

THENCE South 45° 15' West and parallel to said Northwest line of the Tanner League, a distance of 1208 feet to a point in the Southwest line of said Briley tract, a fence line;

THENCE North 45° West along said Southwest line, 113.2 feet to the Southeast corner of said Bosman tract;

THENCE North 45° 15' East along the Southeast line of said Bosman tract a distance of 1095.3 feet to the point of Beginning, and containing 3.0 acres of land net; and being the same property conveyed to Lawrence M. Bosman and wife, Helen M. Bosman by William D. Turner and wife, Marguerite Turner by deed dated December 1, 1949, recorded in Volume 3225, Page 147, Deed Records, Dallas County, Texas,

containing in all three tracts 348,000 square feet.

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