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ORDINANCE NO. 1123

CASE 1462-89

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 ON TRACT 2 FROM APARTMENT TO COMMERCIAL, RESTRICTING THE USES TO ALLOW ONLY THE USES DEFINED IN THE C-1 CLASSIFICATION OF THE PROPOSED ZONING ORDINANCE; TO GRANT A CHANGE OF ZONING ON TRACT 3 FROM "R-3" SINGLE FAMILY TO LOCAL RETAIL, WITH THE STIPULATION THAT A DEDICATION IS MADE OF THE NEEDED RIGHT-OF-WAY FOR THE EXTENSION OF MARK DRIVE AS SET FORTH IN EXHIBIT "B" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; THE TWO TRACTS ZONED HEREIN BEING APPROXIMATELY 12 ACRES ON TRACT 2 AND APPROXIMATELY 1/2-ACRE ON TRACT 3, DANIEL TANNER SURVEY, ABSTRACT #1462, 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:

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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 Tract 2 from Apartment to Commercial, restricting the uses to allow only the uses defined in the C-1 Classification of the Proposed Zoning Ordinance; to grant a change of zoning on Tract 3 from "R-3" Single Family to Local Retail, with the stipulation that a dedication is made of the needed right-of-way for the extension of Mark Drive as set forth in Exhibit "B" as attached hereto and made a part of this ordinance; the two tracts zoned herein being approximately 12 acres on Tract 2 and approximately 1/2-acre on Tract 3, Daniel Tanner Survey, Abstract #1462, 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 Exhibits "A" and "B" 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

EXHIBIT "A"/Page 2
Tract II

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THENCE leaving the southwest line of Rustown S 9° 53' 57" E
a distance of 468.81 feet to a point for corner in the
southeast line of said 74.15 acre tract;

THENCE S. 44° 45' W a distance of 1445.16 feet to a point
for corner in the southwest line of said 74.15 acre tract;

THENCE N 45° 13' 52" W a distance of 423.33 feet to the
place of beginning, containing 15.064 acres of land.

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TRACT THREE

EXHIBIT "A"

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BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1462, situated in the City of Mesquite, Dallas County, Texas, and also being part of a 74.15 acre tract of land conveyed to E. K. Franklin by deed recorded in Volume 3860, page 325 of the deed records of Dallas County, being more particularly described as follows:

BEGINNING at a point in the West line of New Gus Thomasson as conveyed to the City of Mesquite by deed recorded in Volume No. 6817, page 0357, of the Deed Records of Dallas County and the Southwest line of said 74.15 acre tract;

THENCE North 4° 44' 08" East along the West line of New Gus Thomasson a distance of 189.51 feet to a point for corner in the South line of Rustown;

THENCE North 85° 15' 52" West along the South line of Rustown a distance of 151.30 feet to a point for corner in the beginning of a curve to the right, same being the South line of Rustown;

THENCE following said curve to the right, the same being the South line of Rustown a distance of 89.73 feet to a point for corner in the Southwest line of said 74.15 acre tract;

THENCE South 45° 13' 52" East along said tract line a distance of 313.37 feet to the place of beginning, containing .497 acres of land, save and except that portion of the tract to be dedicated for Mark Drive right-of-way as described in Exhibit "B" and attached hereto.

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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.

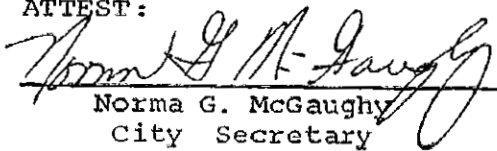
SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the 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 18th day of June , A.D., 1973.



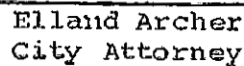
Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:



Elland Archer
City Attorney

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EXHIBIT "A"

TRACT II

BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1462, situated in the City of Mesquite, Dallas County, Texas and also being part of a 74.15 acre tract of land conveyed to E.K. Franklin by deed recorded in Volume 3860, page 325 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the southwest line of said 74.15 acre tract and its intersection with the east line of New Gus Thomasson Road as conveyed to the City of Mesquite by deed recorded in Volume 68177, page 0357 of the Deed Records of Dallas County, Texas;

THENCE N 4° 44' 08" E along said east line of Gus Thomasson a distance of 140.31 feet to a point for corner;

THENCE S 85° 15' 52" E a distance of 150 feet to a point for corner;

THENCE N 83° 55' 13" E a distance of 172.75 feet to a point for corner;

THENCE N 44° 45' 48" E a distance of 180 feet to a point for corner;

THENCE N 45° 14' 12" W a distance of 150 feet to a point for corner in the southeast line of Rustown

THENCE 65.72 feet along a curve in the southeast line of Rustown to a point for corner;

THENCE N 44° 45' 48" E along the southeast line of Rustown a distance of 941.44 feet to a point for corner;

THENCE S 45° 14' 12" a distance of 20 feet to a point for corner;

THENCE along a curve to the right a distance of 195.12 feet to a point for corner, the same being in the west line of a 4.256 acre tract now zoned commercial.

EXHIBIT "B"

PROPOSED MARK DRIVE RIGHT OF WAY

E. K. FRANKLIN TO CITY OF MESQUITE

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Being a tract of land in the Daniel Tanner Survey, Abstract 1462 situated in the City of Mesquite, Dallas County, Texas, and also being part of a 74.15 acre tract of land conveyed to E. K. Franklin by deed recorded in Volume 3860 Page 325 of the Deed Records of Dallas County, being more particularly described as follows:

Commencing at the West corner of the E. K. Franklin tract;
THENCE South $45^{\circ} 13' 52''$ East 118.09 feet with the southeast line of the E. K. Franklin tract to the PLACE of BEGINNING.

THENCE South $45^{\circ} 13' 52''$ East 77.01 feet to a point;

THENCE North $43^{\circ} 07' 06''$ East 47.81 feet to a point in the South right-of-way line of the proposed Rustown Drive;

THENCE in a Westerly direction around a curve to the right having a central angle of $15^{\circ} 29' 14''$, a radius of 331.95 feet; a tangent of 45.14 feet, a length of 89.73 feet to the PLACE OF BEGINNING and containing 1,659.51 square feet.

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