

ORDINANCE NO. 1129

CASE 1462-91

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 FROM "R-3" SINGLE FAMILY DWELLING DISTRICT TO INDUSTRIAL ON ALL OF TRACT 25, SHEET 14C, ABSTRACT 1462, TANNER SURVEY, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID PROPERTY BEING DIVIDED INTO TWO TRACTS, TRACT 1, CONSISTING OF 41.6 ACRES AND TRACT 2, CONSISTING OF 16.1 ACRES, 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 FOR 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 change of zoning from "R-3" Single Family Dwelling District to Industrial on all of Tract 25, Sheet 14C, Abstract 1462, Tanner Survey, City of Mesquite, Dallas County, Texas, said property being divided into two tracts, Tract 1, consisting of 41.6 acres of land and Tract 2, consisting of 14.1 acres, 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" as attached hereto 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.

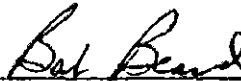
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided 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.

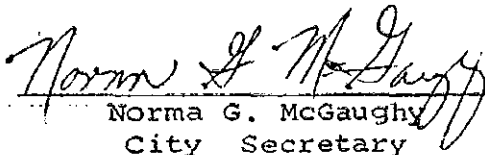
SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the 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 16th day of July , A.D., 1973.



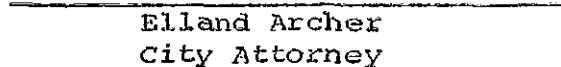
Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:



Elland Archer
City Attorney

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EXHIBIT "A"

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BEING two tracts of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

TRACT 1

BEGINNING at a point in the northwesterly line of Forney Road (a 60 foot Right-of-Way), said point being in the northeasterly line of Town East Boulevard (a 100 foot Right-of-Way); an iron pipe set for corner;

THENCE North $44^{\circ} 51'$ West, with the Northeasterly line of said Town East Boulevard, 795.48 feet to the beginning of a curve to the Right, having a radius of 642.84 feet, and a central angle of $44^{\circ} 29'$; an iron pipe set for corner;

THENCE in a Northwesterly direction, with the northeasterly line of said Town East Boulevard and along said curve, 499.09 feet to the end of said curve; an iron pipe set for corner;

THENCE North $0^{\circ} 22'$ West, and continuing along the northeasterly line of said Town East Boulevard, 99.66 feet to a point in the present Northwesterly line of the tract; an iron stake found in place for corner;

THENCE North $44^{\circ} 41'$ East, with the northwesterly line of the tract, a distance of 538.08 feet to an iron pipe found in place for corner, said point being in the South line of U. S. Highway No. 80;

THENCE North $89^{\circ} 55'$ East, with the South line of said U. S. Highway No. 80, 504.93 feet to the beginning of a curve to the left, having a radius of 3114.74 feet, a central angle of $11^{\circ} 06'$, and a tangent bearing of South $79^{\circ} 28'$ East, a Right-of-Way marker found in place for corner;

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THENCE in an Easterly direction with the southerly line of U. S. Highway No. 80, and along said curve, 603.42 feet to the end of said curve; an iron pipe set for corner;

THENCE North 89° 26' East, and continuing along the southerly line of U. S. Highway No. 80, 666.60 feet to an iron pipe set for corner;

THENCE South 7° 12' East, 38.00 feet to a point in the Northwesterly line of the aforementioned Forney Road; an iron pipe set for corner;

THENCE South 44° 52' West, with the Northwesterly line of said Forney Road, 1993.20 feet to the place of beginning, and containing 41.61 acres of land.

TRACT 2

BEGINNING at a point in the Northwesterly line of Forney Road (a 60 foot Right-of-Way), said point being in the Southwesterly line of Town East Boulevard (a 100 foot Right-of-Way); an iron pipe set for corner;

THENCE South 44° 52' West, with the Northwesterly line of said Forney Road, 686.94 feet to the present South corner of the tract; an iron pipe set for corner;

THENCE North 45° 14' West with the Southwesterly line of the Tract, a distance of 1011.51 feet to the present West corner of the tract; an iron stake found in place for corner;

THENCE North 44° 38' East, with the Northwesterly line of the Tract, 726.62 feet to a point in the Southwesterly line of the aforementioned Town East Boulevard, said point being on a curve to the left, having a radius of 742.84 feet, a central angle of 17° 07' 48", and a tangent bearing of South 27° 43' 12" East; an iron stake found in place for corner;

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THENCE in a Southeasterly direction, with the Southwesterly line of said Town East Boulevard and along said curve, 222.09 feet to the end of said curve; an iron pipe set for corner;

THENCE South 44° 51' East, and continuing along the Southwesterly line of said Town East Boulevard, 795.91 feet to the Place of Beginning, and containing 16.11 acres of land.