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ORDINANCE NO. 1132

CASE 1461-38

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 FOR A MOTEL AND RESTAURANT AND LIMITING THE USES ON THE SIX-ACRE TRACT TO SAME AND REQUIRING SCREENING BETWEEN THE MOTEL AND THE CHRISTIAN CARE CENTER; SAID PROPERTY BEING IN THE T. THOMAS SURVEY, ABSTRACT NO. 1461, 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:

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 "SP" Special Permit for a motel and restaurant and limiting the uses on the six-acre tract to same and requiring screening between the motel and the Christian Care Center; said property being in the T. Thomas Survey, Abstract No. 1461, 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.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance

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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.

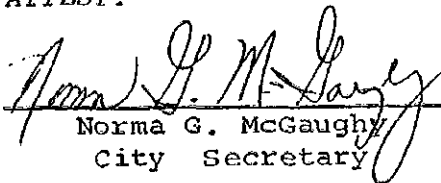
SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above Zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for 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 this 6 day of August , A.D., 1973.



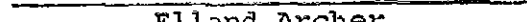
Bob Beard
Mayor

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 a tract of land situated in the T. Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being out of the C. C. Oates 393.66 acre original tract as recorded in Volume 666, page 336, Dallas County Deed Records and being more particularly described as follows:

BEGINNING at a point on the northerly line of U. S. Highway 67 Service Road, said point being the most easterly corner of the 45.33 acre tract owned by the Christian College of the Southwest, said point also being the most southerly corner of a 154.52 acre tract owned by the City of Mesquite, an iron stake set for corner; said point being on a curve to the left having a radius of 11,773.93 feet and a central angle of $3^{\circ} 09'$;

THENCE in a westerly direction with the northerly line of said U. S. Highway 67 Service Road and around said curve, 647.32 feet to the end of said curve, an iron stake set for corner;

THENCE North $30^{\circ} 35'$ West, 202.55 feet to an iron stake set for corner;

THENCE South $59^{\circ} 25'$ West, 200.0 feet to a point on the easterly line of Northwest Drive (a 100 foot right-of-way), an iron stake set for corner;

THENCE North $30^{\circ} 35'$ West with the easterly line of said Northwest Drive, 50.57 feet to the beginning of a curve to the left having a radius of 980.21 feet and a central angle of $7^{\circ} 16' 26''$, an iron stake set for corner;

THENCE in a northwest direction with the easterly line of said Northwest Drive and around said curve, 124.44 feet to the end of said curve, an iron stake set for corner;

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THENCE North $64^{\circ} 15'$ East, 885.76 feet to a point on the westerly line of the aforementioned City of Mesquite 154.52 acre tract, an iron stake set for corner;

THENCE South $25^{\circ} 45'$ East with the westerly line of said City of Mesquite tract, 335.30 feet to the place of beginning and containing 6.00 acres of land.

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