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ORDINANCE NO. 1145

CASE 1419-1

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 "I" INDUSTRIAL DISTRICT, WITH THE STIPULATION THAT THERE BE NO FRONT LOADING OFF OF BIG TOWN BOULEVARD, AND ALL BUILDINGS BE OF MASONRY CONSTRUCTION, SAID PROPERTY BEING TWO TRACTS SITUATED IN THE GIDEON PEMBERTON SURVEY, ABSTRACT NO. 1154, THE HENRY J. WEBB SURVEY, ABSTRACT NO. 1636, THE JAMES N. SMITH SURVEY, ABSTRACT NO. 1419 AND THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462 IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND 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 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 from "R-3" Single Family Dwelling District to "I" Industrial District, with the stipulation that there be no front loading off of Big Town Boulevard, and all buildings be of masonry construction, said property being two tracts situated in the Gideon Pemberton Survey, Abstract No. 1154, the Henry J. Webb Survey, Abstract No. 1636, the James N. Smith Survey, Abstract No. 1419 and the Daniel Tanner Survey, Abstract No. 1462 in the City of Mesquite, Dallas County, Texas, and 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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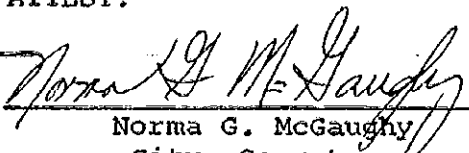
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. Whereas, the property described in Exhibit "A" attached hereto and made a part of this ordinance, 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 BY the City Council of the City of Mesquite, Texas, on the 17 day of September , A.D., 1973.

  
\_\_\_\_\_  
Bob Beard  
Mayor

ATTEST:

  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Elland Archer  
City Attorney

## EXHIBIT "A"

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BEING 2 tracts of land situated in teh Gideon Pemberton Survey, Abstract No. 1154, the Henry J. Webb Survey, Abstract No. 1636, the James N. Smith Survey, Abstract No. 1419 and the Daniel Tanner Survey, Abstract No. 1462 in the City of Mesquite and said two tracts being a part of the Buckner Orphans Home Tract as recorded in the Deed Records of Dallas County, Texas, and said 2 tracts being more particularly described as follows:

## TRACT 1

BEGINNING at a point for a corner in the East Right-of-Way line of Big Town Boulevard, said point being South  $1^{\circ} 03' 59''$  West a distance of 433.68 feet from the intersection of the East Right-of-Way line of Big Town Boulevard (100 foot Right-of-Way) and the South Right-of-Way line of Samuell Boulevard (100 foot Right-of-Way);

THENCE South  $89^{\circ} 49' 03''$  East a distance of 1065.91 feet to a point for a corner;

THENCE South  $0^{\circ} 05' 57''$  West a distance of 1742.35 feet to a point for corner;

THENCE North  $44^{\circ} 50' 28''$  East a distance of 385.96 feet to a point for a corner;

THENCE South  $44^{\circ} 27' 38''$  East a distance of 596.51 feet to a point for a corner;

THENCE South  $45^{\circ} 14' 52''$  West a distance of 383.42 feet to a point for a corner;

THENCE South  $89^{\circ} 39' 47''$  West a distance of 1513.36 feet to a point for a corner in the East Right-of-Way line of Big Town Boulevard and the beginning of a circular curve to the right having a central angle of  $6^{\circ} 04' 14''$ , a radius of 1382.39 feet and a tangent of 73.30 feet;

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THENCE along said circular curve to the right and the East Right-of-Way line of Big Town Boulevard a distance of 146.47 feet to the point of tangency;

THENCE North  $1^{\circ} 03' 59''$  East continuing along the East Right-of-Way line of Big Town Boulevard a distance of 2030.70 feet to the point of beginning and containing 61.3441 acres (2,672,149 square feet) of land.

TRACT 2

BEGINNING at a point for a corner in the West Right-of-Way line of Big Town Boulevard, said point being South  $1^{\circ} 03' 59''$  West a distance of 433.68 feet from the intersection of the West Right-of-Way line of Big Town Boulevard (100 foot Right-of-Way) and the South Right-of-Way line of Samuell Boulevard (100 foot Right-of-Way);

THENCE South  $1^{\circ} 03' 59''$  West along the West Right-of-Way line of Big Town Boulevard a distance of 2029.16 feet to a point for a corner and the beginning of a circular curve to the left having a central angle of  $5^{\circ} 45' 18''$ , a radius of 1482.39 feet and a tangent of 74.51 feet;

THENCE along said circular curve to the left and continuing along the West Right-of-Way line of Big Town Boulevard a distance of 148.90 feet to a point for a corner;

THENCE South  $89^{\circ} 39' 47''$  West a distance of 642.15 feet to a point for a corner in the Common Corporate City limits line of the City of Dallas and the City of Mesquite;

THENCE North  $44^{\circ} 51' 13''$  West along the City Limits line of Dallas and Mesquite a distance of 1007.71 feet to a point for a corner;

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THENCE North 0° 56' 48" West continuing along the  
City Limits Line of Dallas and Mesquite a distance  
of 1479.09 feet to a point for a corner;

THENCE South 89° 29' 18" East a distance of 1292.88  
feet to a point for a corner;

THENCE South 89° 49' 03" East a distance of 117.54  
feet to the Point of Beginning and containing  
63.1309 acres (2,749,982 square feet) of land.