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ORDINANCE NO. 1161

CASE 170-10

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM "R-3" SINGLE FAMILY DISTRICT TO "C" COMMERCIAL DISTRICT WITH THE STIPULATION THAT ANY NEEDED RIGHT-OF-WAY ON BELT LINE ROAD THAT HAS NOT BEEN OBTAINED BE DEDICATED; SAID PROPERTY BEING TRACTS 4, 5, AND 6, ABSTRACT 170, 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 1973 ZONING ORDINANCE NOT IN CONFLICT HEREWITH; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1973 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 IMPROVEMENTS 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 and Zoning 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 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, 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 District to "C" Commercial District with the stipulation that any needed right-of-way on Belt Line Road that has not been obtained be dedicated; said property being Tracts 4, 5, and 6, Abstract 170, 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 1973.

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.

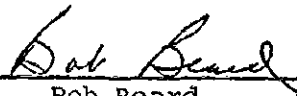
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SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

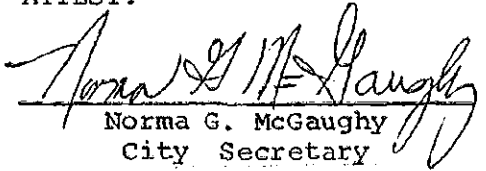
SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for 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 3rd day of December , 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 all that certain tract of land located in the Robert Bethurum Survey, Abstract No. 170 and the McKinney & Williams Survey, Abstract No. 1028, City of Mesquite, Dallas County, Texas, and being the same tracts conveyed to Henry H. Dickerson and filed for record on November 1st, (32.647 acres), and November 4th, (1.388 acres), 1968, and more fully described as follows:

BEGINNING at an iron rod in fence corner on the Southeast line of Range Road (60 feet wide) and at the West corner of said 32.647 acre tract;

THENCE North $44^{\circ} 50'$ East 1599.0 feet along Range Road to the beginning of a curve to the left;

THENCE 385.31 feet around said curve, whose angle is $22^{\circ} 24' 52''$, radius is 984.93 feet and tangent is 195.15 feet, to the West line of Belt Line Road, 100 feet wide;

THENCE South $0^{\circ} 48'$ East 2136.34 feet along Belt Line Road to the beginning of a curve to the right;

THENCE 52.48 feet around said curve, whose central angle is $1^{\circ} 37'$, radius is 1860 feet and tangent is 26.24 feet, to an iron pipe in fence corner on the South line of said 32.647 acre tract;

THENCE South $88^{\circ} 52'$ West 463.73 feet along said South line to an iron pipe in fence corner;

THENCE North $1^{\circ} 12'$ West 298.83 feet to an iron pipe in fence corner at the Northeast corner of Delmar R. Haylard 11.5 acre tract;

THENCE North $70^{\circ} 04'$ West 667.19 feet to an iron rod in fence corner;

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THENCE North 44° 51' East 125.23 feet to an iron
rod in fence corner at the East corner of J. J.
Beecham 1 acre tract;

THENCE North 70° 09' West 382.89 feet to the
Place of Beginning and containing 34.061 acres
of land.

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