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ORDINANCE NO. 1188

CASE 261-16

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 TO "A-1" MULTI-FAMILY WITH A CONDITIONAL USE FOR A DAY CARE SCHOOL, SUBJECT TO DEDICATION OF 30 FEET OF RIGHT OF WAY FOR THE EVENTUAL WIDENING OF JOHN WEST ROAD, SAID PROPERTY BEING ON TRACTS 1 AND 2, SHEET 2, ABSTRACT 261, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY 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 REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE 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 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 to "A-1" Multi-Family with a Conditional Use for a Day Care School, subject to dedication of 30 feet of right of way for the eventual widening of John West Road, said property being on Tracts 1 and 2, Sheet 2, Abstract 261, City of Mesquite, Dallas County, Texas, and being more fully 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 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.

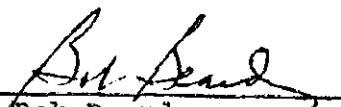
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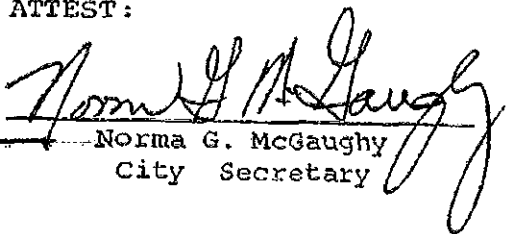
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court 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" as attached hereto requires that it be given the above 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 6th day of May , A.D., 1974.

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

ATTEST:

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

APPROVED AS TO FORM:

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

CG146(1)

EXHIBIT "A"

5.51 ACRE TRACT: BEING a tract of land out of the W. A. COLE SURVEY, ABSTRACT NO. 261, described as follows:  
BEGINNING at the Northwest corner of said W. A. Cole Survey;  
THENCE South along the West line of said survey 460.7 feet;  
THENCE East 722.7 feet;  
THENCE North 214 feet;  
THENCE West 376.7 feet;  
THENCE North 246.5 feet to a point in the north line of said W. A. Cole Survey;  
THENCE West along the north line of said survey 346 feet to the point of beginning.

1 ACRE TRACT: BEING out of the Wm. A. Cole Survey, Abstract No. 261 and being more particularly described by metes and bounds as follows:  
BEGINNING at a point in the center line of the John West Road, which line is also the North line of said Wm. A. Cole Survey and is also the North line of the R. N. Bell 103 acres, as conveyed to said R. N. Bell by Warranty Deed dated July 6, 1945, filed August 3, 1945 by Jno. A. Poynter et al, said beginning point located 346.0 feet East of the Northwest corner of said R. M. Bell tract;  
THENCE South and parallel with the West line of said R. M. Bell tract 246.5 feet to point for corner;  
THENCE East and parallel with the center line of said John West Road, 176.7 feet to point for corner;  
THENCE North and parallel with the West line of said R. M. Bell tract 246.5 feet to point for corner;  
THENCE West and along the center line of said John West Road (40 ft. wide) 176.7 feet to the place of beginning.

Buckner Blvd.

009450

East R. L. Thornton

JOHN WEST ROAD

460.7'

346'

5.51 Ac.

722.7'

246.5'

176.7'

1 Ac.  
176.7'

-176.7'  
376.7'

246.5'

214'

I. H. 20  
U.S. HWY. #80

I. H. 30 U.S. HWY. #67

TO BIG TOWN BLVD.

1/2" = 100'

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