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ORDINANCE NO. 1190

CASE 486-10

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 PERMIT CONDITIONAL USE FOR A STORAGE YARD IN A COMMERCIAL DISTRICT, WITH A 50-FOOT SET BACK, AND THAT THE REQUIRED SCREENING BE WAIVED, ON TWO TRACTS OF LAND APPROXIMATELY 128.5 FEET BY 221 FEET, AND KNOWN AS 1116 TRIPP ROAD, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND MORE PARTICULARLY 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:

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,

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hereby amended by amending the Zoning Map of the City of Mesquite so as to permit Conditional Use for a Storage Yard in a Commercial District, with a 50-foot set back, and that the required screening be waived, on two tracts of land approximately 128.5 feet by 221 feet, and known as 1116 Tripp Road, City of Mesquite, Dallas County, Texas, and more particularly 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" of this Ordinance, 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, sub-division, 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 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.

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1941, recorded in Volume 1454, page 450, Deed  
Records of Dallas County, Texas.

TRACT II

BEING a part of the Foreman Survey, and a part of the tract  
conveyed to Pearl L. Price by her father, J. T. Dean, and  
wife, and being more fully described as follows, to wit:

BEGINNING at the Northeast corner of a one acre tract of  
land conveyed to Tim Oliver Williams, and wife, Gracie  
Williams, on the 6th day of February 1941, by Pearl L.  
Price, and her husband, J. N. Price, said deed records being  
recorded in Volume 2259, page 004, Deed Records, Dallas  
County, Texas;

THENCE East along the South side of New Hope  
Road 30 feet to a stake for corner;

THENCE South  $45^{\circ}$  East 221 feet to stake for  
corner;

THENCE West 30 feet to the Southeast corner of  
the aforesaid Williams tract as described in the  
aforementioned deed;

THENCE North  $45^{\circ}$  East to the place of Beginning.

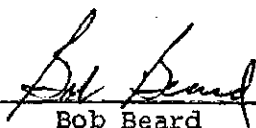
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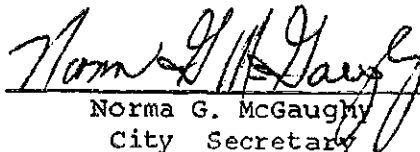
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SECTION 7. Whereas, the property described in Exhibit "A" of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the 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

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EXHIBIT "A"

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BEING two tracts of land approximately 128.5 feet by 221 feet, and known as 1116 Tripp Road, Mesquite, Texas, and being more particularly described as follows:

TRACT I

BEING a part of the Williams Foreman Survey, patented to William H. Rowe, assignee, and being Survey No. 84T, Abstract No. 486, and being a part of the 35 acres of land conveyed to Pearl Price by J. T. Dean, et ux, Mary E. Dean, by deed dated March 12, 1929, recorded in Volume 1606, page 527 of the Deed Records of Dallas County, Texas, being fully described as follows:

BEGINNING at a point in the Southeast line of the New Hope Road 673.5 feet Eastwardly from the intersection of the Southeast line of said New Hope Road with the Northeast line of the Gus Thomasson Drive which the beginning point of this tract is also 30 feet Eastwardly of the North corner of the tract of land conveyed to Tim Oliver Williams, et ux, Gracie Williams, by Pearl L. Price, et vir, J. N. Price, by deed dated February 6, 1941, recorded in Volume 2259, page 604, Deed Records of Dallas County, Texas;

THENCE in an Easterly direction with the Southeast line of the New Hope Road 98.5 feet to a stake for corner;

THENCE in a Southeasterly direction and in a parallel line with the Williams Tract 221 feet to stake for corner;

THENCE in a Southeasterly direction parallel with the Southeast line of the New Hope Road 98.5 feet to a stake for corner;

THENCE in a Northwesterly direction parallel with the line of said Williams tract and 30 feet therefrom, 221 feet to the place of Beginning, being the same property described in a Deed of Trust executed by Herbert Todd Fuerbacher and wife, Hanna Fuerbacher, dated July 30,