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ORDINANCE NO. 1198

CASE 170-11

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 COMMERCIAL WITH THE STIPULATIONS THAT: (1) SITE PLAN BE APPROVED, AND (2) DEDICATION OF TEN (10) FEET OF RIGHT OF WAY ALONG THE SOUTH SIDE OF RANGE DRIVE BE EFFECTED; SAID PROPERTY BEING ON TRACTS 3 AND 5, SHEET 2, ABSTRACT 170, 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 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 to Commercial with the stipulations that:

1. A site plan be approved; and
2. That a dedication of ten (10) feet of right of way along the South side of Range Drive be effected.

Said property being on Tracts 3 and 5, Sheet 2, Abstract 170, 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.

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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.

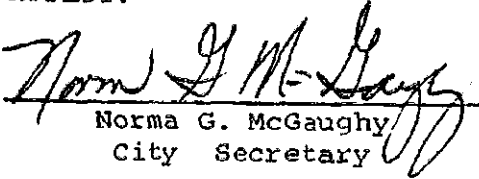
SECTION 7. Whereas, the property described in Exhibit "A" of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 20th 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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[Handwritten signature]

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EXHIBIT "A"

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BEING all that certain lot, tract or parcel of land situated in Dallas County, Texas, out of the Robert Bethrum Survey, Abstract No. 170 and being more particularly described as follows:

BEGINNING at a point in the Southeast line of Range Drive, a 60 foot right of way, said point being the North corner of a 0.282 acre tract of land conveyed to the Shamrock Oil and Gas Corp. described in Deed filed May 27, 1964, of the Deed Records of Dallas County, Texas;

THENCE North 45° 06' 13" East with the Southeast right of way line of Range Drive a distance of 308.29 feet to the West corner of Minnie W. Brown property as described in Deed filed March 29, 1962, in the Deed Records of Dallas County, Texas;

THENCE South 55° 06' 37" East along a fence line and the Southwest line of said Brown property a distance of 200 feet to its South corner;

THENCE North 37° 00' 29" East along a fence line and the Southeast line of said Brown property a distance of 110 feet to its East corner in the Southwest line of A. F. Conover 25.02 acre tract as described in Deed recorded in Volume 2696 at page 25 of the Deed Records of Dallas County, Texas;

THENCE South 69° 50' 47" East with a fence line and the Southeast line of said A. F. Conover tract, a distance of 850 feet;

THENCE South 3° 15' 45" West a distance of 319.65 feet to an iron rod for corner in the Northerly line of a 16 acre tract conveyed by Florence Hanby, et al, to H. H. Hanby, by Deed filed September 7, 1937, recorded in Volume 2020 at page 485 of the Deed Records of Dallas County, Texas;

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THENCE South 28° 03' 13" West with the Northerly line of said Hanby tract a distance of 713.23 feet to the East corner of a certain tract of land conveyed by Woodrow A. Sprowl, et ux, to Earl Moore, by Deed of Correction dated October 28, 1948, recorded in Volume 3116 at page 200 of the Deed Records of Dallas County, Texas;

THENCE North 46° 10' 21" West with the Northeast line of said Earl Moore tract a distance of 344.59 feet to its North corner;

THENCE South 46° 21' 55" West with the Northwest line of said Moore tract a distance of 3.8 feet to the East corner of that certain tract of land conveyed by Josie Elizabeth Doane to Delmar Ray Halyard, et ux, by Deed dated December 16, 1964 and filed December 21, 1964, in the Deed Records of Dallas County, Texas;

THENCE North 46° 01' West a distance of 130 feet to the North corner of a certain tract of land conveyed by Delmar Ray Halyard, et ux, to Floyd B. Halyard by Deed dated September 13, 1966, and recorded in Volume 948 at page 0136 of the Deed Records of Dallas County, Texas;

THENCE South 45° 06' 13" West with the Northwest line of said Floyd R. Halyard tract a distance of 35.69 feet to the East corner of said 0.887 acre tract conveyed to the Shamrock Oil and Gas Corp.;

THENCE North 45° 15' 47" West with the Northeast line of said 0.887 acre tract a distance of 204.71 feet to the place of Beginning and containing 11.928 acres of land.