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ORDINANCE NO. 1212

CASE 436-11

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 COMMERCIAL TO "A-2" MULTI-FAMILY SUBJECT TO SITE PLAN APPROVAL BY THE CITY PLANNING AND ZONING COMMISSION, SAID PROPERTY BEING A PART OF TRACT 7, ABSTRACT 486; ALL OF TRACT 1A, ABSTRACT 486, AND ALL OF TRACT 24, ABSTRACT 594, OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID PROPERTY BEING 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 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 Commercial to "A-2" Multi-Family subject to site plan approval by the City Planning and Zoning Commission, said property being a part of Tract 7, Abstract 486; all of Tract 1A, Abstract 486, and all of Tract 24, Abstract 594, of the City of Mesquite, Dallas County, Texas, said property being 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" 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, 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

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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.

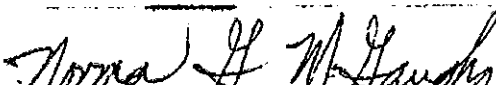
SECTION 7. Whereas, the property described in Exhibit "A" of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 16 day of September , 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 A TRACT OF LAND situated in the Henry Harter Survey, Abstract No. 594, and the William Foreman Survey, Abstract No. 486, City of Mesquite, Dallas County, Texas; said tract being a part of a 27.877 acre tract and all of a 6.283 acre tract, each conveyed from the Lawler Family Trusts to Lawler Corporation as shown in County Plat Books of the County of Dallas, Texas, and being more particularly described as follows:

BEGINNING at a point in the North line of U. S. Highway 80 (I. H. 20), said point being South 89° 27' 30" East, along the North line of U. S. Highway 80 (I. H. 20), a distance of 848.10 from the intersection of the North line of U. S. Highway 80 (I. H. 20) and the East line of Gus Thomasson Road Extension;

THENCE North 0° 32' 30" East, departing from the North line of U. S. Highway 80 (I. H. 20), a distance of 1139.78 feet to a point for corner; said point being in the North line of the 27.877 acre tract mentioned above;

THENCE along the boundary of the 27.877 acre tract as follows:

South 43° 59' 06" East, a distance of 417.71 feet to a point for corner;

South 89° 12' 35" East, a distance of 608.37 feet to a point for corner;

South 31° 04' 50" East, a distance of 141.18 feet to a point for corner;

South 13° 37' 04" West, a distance of 473.89 feet to a point for corner;

said point being in the Northeast line of the 6.283 acre tract mentioned above;

THENCE along the boundary of the 6.283 acre tract as follows:

South 43° 58' 59" East, a distance of 135.56 feet to a point for corner;

South 46° 11' 37" West, a distance of 260.45 feet to a point for corner;

said point being in the North line of U. S. Highway 80 (I. H. 20);

THENCE along the North line of U. S. Highway 80 (I. H. 20) in a westerly direction, and along a curve to the left a distance of 407.79 feet to a point for corner; said curve having a radius of 3921.74 feet, a tangent length of 204.08 feet and a central angle of 5° 57' 28";

THENCE continuing along the Highway on a bearing of North 89° 27' 30" West a distance of 369.83 feet to the point of beginning and containing 18.750 acres of land.

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