

ORDINANCE NO. 1222

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 "A-1" MULTI-FAMILY TO "GENERAL RETAIL"; SAID PROPERTY BEING LOCATED IN THE J. HARDIN SURVEY, ABSTRACT 545, THE T. THOMAS SURVEY, ABSTRACT 1461 AND THE I. THOMAS SURVEY, ABSTRACT 1501, AND ALSO BEING PART OF THE TRACT OF LAND CONVEYED TO MURPHEY & WILLIAM E. DALTON; AND FRONTING ON THE EAST SIDE OF GUS THOMASSON ROAD APPROXIMATELY 261 FEET AND LOCATED APPROXIMATELY 550 FEET NORTH OF TOWN EAST BLVD. AND CONTAINS 6.01 ACRES, 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 NOT IN CONFLICT HEREWITH; BY PROVIDING THAT THE FOREGOING ZONING CHANGE IS GRANTED SUBJECT TO THE PROVISIONS OF CURRENT AND FUTURE DRAINAGE IMPROVEMENT 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 notice 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 hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "A-1" MULTI-FAMILY to "GENERAL RETAIL"; said property being located in the J. Hardin Survey, Abstract 545, The T. Thomas Survey, Abstract 1461 and the I. Thomas Survey, Abstract 1501, and also being part of the tract of land conveyed to Murphey & William E. Dalton, 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.

EXHIBIT "A"/PAGE 2

THENCE South 6° 6' 50" East continuing along the westerly line of said addition a distance of 26.67 feet to a point for corner;

THENCE in a northwesterly direction along the northerly line of the tract of land described as Tract 1, in Ordinance No. 720 of the City of Mesquite, passed by the City Council on February 5, 1968 a distance of 214 feet, more or less, to the beginning of a curve to the left;

THENCE In a northwesterly and westerly direction continuing along said northerly line of said Tract 1 and along said curve to the left for a distance of 440 feet, more or less;

THENCE In a westerly direction continuing along said northerly line of Tract 1 a distance of 130 feet, more or less, to the POINT OF BEGINNING and containing 6.01 Acres.

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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" 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.

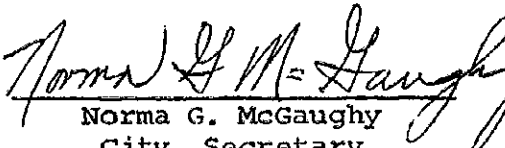
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of December, A.D., 1974.



Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

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EXHIBIT "A"

BEING a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, and being part of the J. Hardin Survey, Abstract 545, the T. Thomas Survey, Abstract 1461 and the I. Thomas Survey, Abstract 1501, and also being part of the tract of land conveyed to Murphey & William E. Dalton by deed recorded in Volume 4221, Page 555, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner in the easterly line of Gus Thomasson Road (140.0 feet wide), said point being in a northerly direction along the easterly line of Gus Thomasson Road a distance of 549.14 feet from the intersection of said easterly line of Town East Boulevard (100.0 feet wide as relocated):

THENCE North $9^{\circ} 9' 30''$ West along the easterly line of Gus Thomasson Road a distance of 261.71 feet to the beginning of a curve to the left;

THENCE in a northerly and northwesterly direction continuing along the easterly line of Gus Thomasson Road and along said curve to the left having a radius of 781.4 feet, a central angle of $2^{\circ} 52' 19''$, and a arc length of 39.17 feet to a point for corner;

THENCE North $80^{\circ} 50' 30''$ East a distance of 750.10 feet to a point for corner;

THENCE South $9^{\circ} 50' 50''$ East passing the northwesterly corner of the Treasury Addition, an addition to the City of Mesquite as recorded in Volume 73070, Page 14, of the Map and Deed Records of Dallas County, Texas; and along the westerly line of said addition in all a distance of 436.57 feet to an angle point;