

ORDINANCE NO. 1287

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 CONDITIONAL USE DESIGNATION FOR AN INDOOR COMMERCIAL RECREATION FOR COIN OPERATED AMUSEMENT MACHINES IN THE SEARS STORE AT TOWN EAST MALL; SAID PROPERTY BEING LOCATED IN THE JOHN T. NELMS SURVEY, ABSTRACT 1095, 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 PROVISIONS 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 ORDINANCE; 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, by, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a Conditional Use designation for an Indoor Commercial recreation for coin operated amusement machines in the Sears store at Town East Mall. Said property being located in the John T. Nelms Survey, Abstract 1095, 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 Section 1 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.1249 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, Texas, 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 Section 1 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 October, A.D., 1975.


Bob Beard
Mayor

APPROVED AS TO FORM:


Elland Archer
City Attorney

ATTEST:

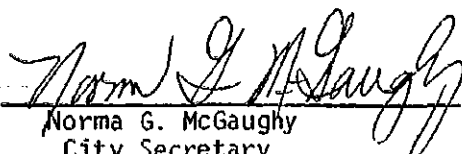

Norma G. McGaughy
City Secretary

EXHIBIT A
Part.2 - Sears Tract

60096

Description of an 18.794 acre tract of land in the City of Mesquite, Texas; said 18.794 acre tract being in the John T. Neims Survey, Abstract 1095, Dallas County, Texas; said tract of land also being out of a 74.04 acre tract conveyed to Sears, Roebuck and Company by Young Mitchell Langdon, Trustee, by deed recorded in Volume 915, Page 655, Deed Records of Dallas County, Texas; said 18.794 acre tract being more particularly described as follows:

BEGINNING, at the intersection of the south right-of-way line of Town East Boulevard with the proposed east right-of-way line of L. B. Johnson Freeway (I.H. 635); said beginning point being N 80° 17' 23" E, a distance of 15.09 feet from the original most westerly northwest corner of said 74.04 acre tract;

THENCE, N 80° 17' 23" E, a distance of 146.76 feet to a concrete right-of-way marker found for corner;

THENCE, N 08° 09' 51" W, a distance of 9.66 feet to a point for corner in the proposed south right-of-way line of Town East Boulevard;

THENCE, N 60° 44' 45" E, with said proposed right-of-way line, a distance of 915.21 feet to the beginning of a curve whose central angle is 6° 47' 04" and whose radius is 2,713.14 feet;

THENCE, with said curve to the right and with said proposed right-of-way line in an easterly direction, an arc distance of 321.27 feet to a point for corner;

THENCE, the following courses and distances to-wit:

S 04° 18' 49" W, a distance of 326.41 feet to a point for corner;

Thence, N 85° 41' 11" W, a distance of 267.57 feet to a point for corner;

Thence, S 19° 15' 00" W, a distance of 395.31 feet to a point for corner;

Thence, S 49° 15' 00" W, a distance of 248.85 feet to a point for corner;

Thence, N 40° 45' 00" W, a distance of 13.00 feet to a point for corner;

Thence, S 49° 15' 00" W, a distance of 234.72 feet to a point for corner;

Thence, N 67° 30' 00" W, a distance of 570.01 feet to a point for corner in the proposed east right-of-way line of said L. B. Johnson Freeway;

THENCE, N 07° 00' 50" W, with said proposed east right-of-way line, a distance of 156.79 feet to an angle point;

00097

Exhibit A

THENCE, N 03° 25' 12" W, and continuing with said proposed east right-of-way line, a distance of 397.05 feet to the place of beginning;

CONTAINING, 818,663.92 square feet, or 18.794 acres of land.

The foregoing field notes correctly set out the boundaries of the tract of land herein described.