

ORDINANCE NO. 1295

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 SERVICE STATION TO COMMERCIAL WITH THE STIPULATIONS THAT: (1) IF THE FIRM CEASES TO OPERATE, THE ZONING OF THIS PROPERTY WILL REVERT BACK TO THE SERVICE STATION CLASSIFICATION AND (2) THE OPERATION SHALL BE LIMITED TO THE RETAIL SALE OF SAILBOATS AND SUPPLIES; SAID PROPERTY BEING LOCATED ON THE NORTHEAST CORNER OF THE NORTHWEST DRIVE AND I-30 INTERSECTION, IN THE T. THOMAS SURVEY, ABSTRACT NO. 1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" 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, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from Service Station to Commercial with the stipulations that:

- (1) If the firm ceases to operate, the zoning of this property will revert back to the Service Station classification and
- (2) The operation shall be limited to the sale of sailboats and supplies.

said property being located on the northeast corner of the Northwest Drive and I-30 intersection, in the T. Thomas Survey, Abstract No. 1461, 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, 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.

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 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 17th day of November, A.D., 1975.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughey
Norma G. McGaughey
City Secretary

Elland Archer
City Attorney.

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FIELD NOTES

BEING a tract of land situated in the T. Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being out of the C. C. Oates 393.66 acre original tract as recorded in Volume 666, page 336, Dallas County Deed Records and being more particularly described as follows:

COMMENCING at a point on the northwesterly line of U.S. Highway 67 Service Road, said point being the most easterly corner of a 45.33 acre tract owned by the Christian College of the Southwest, said point also being the most southerly corner of a 154.52 acre tract owned by the City of Mesquite; THENCE in a southwesterly direction with the northwesterly line of said U.S. Highway 67 Service Road, 647.32' to the place of beginning of the tract herein described, an iron stake set for corner; said point being on a curve to the left having a radius of 11773.93' and a central angle of $0^{\circ}58'25''$;

THENCE in a southwesterly direction with the northwesterly line of said U.S. Highway 67 Service Road and around said curve, 200.0' to the end of said curve, an iron stake set for corner; said point being on the northeasterly line of Northwest Drive, as proposed, (a 100' R.O.W.);

THENCE $N30^{\circ}35'W$ with the northeasterly line of said Northwest Drive, as proposed, 200.0' to an iron stake set for corner;

THENCE $N59^{\circ}25'E$, 200.0' to an iron stake for corner;

THENCE $S30^{\circ}35'E$, 202.55' to the place of beginning and containing 0.92 acres of land.