

00096

ORDINANCE NO. 1321

#TE 6-1

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 A CONDITIONAL USE FOR A METAL BUILDING WITH A MASONRY FRONT, SAID PROPERTY BEING A PART OF LOT 2, BLOCK 14, TOWN EAST ESTATES NO. 6, AN ADDITION TO 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 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 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:

00097

ORDINANCE/PAGE 2  
#TE 6-1

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 a Conditional Use for a metal building with a masonry front, said property being a part of Lot 2, Block 14, Town East Estates No. 6, an addition to 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, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same 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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

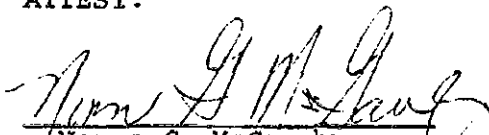
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 19th day of July, A.D., 1976.

  
\_\_\_\_\_  
Bob Beard  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

00099

EXHIBIT A

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, and also being a part of Lot 2, Block 14, Town East Estates No. 6, an addition to the City of Mesquite, Texas, as filed in Volume 549, at page 1935 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the Southeast line of the overpass widening for Town East Boulevard with the Northeast line of U. S. Highway No. 80, a concrete R.O.W. marker found for corner;

THENCE North 28 degrees 17 minutes East, along the said Town East Boulevard overpass widening, a distance of 150.00 feet to an iron stake for corner;

THENCE South 58 degrees 19 minutes East, leaving said Town East Boulevard and proceeding parallel to said U. S. Highway 80 Northeast line, a distance of 168.59 feet to an iron stake for corner;

THENCE South 16 degrees 37 minutes West, a distance of 155.07 feet to a point on the said U. S. Highway No. 80 Northeast line, an iron stake for corner;

THENCE North 58 degrees 19 minutes West, along the said U. S. Highway No. 80 Northeast line, a distance of 200.00 feet to the Place of Beginning and containing 27,596 square feet of land, together with any rights of Grantor in and to that general easement for right of way and passageway purposes as a means of ingress and egress from the above described premises over, upon, along and across the following described tract and adjoining the demised premises, to-wit:

BEGINNING at the Southeast corner of the above described property, on the said U. S. Highway No. 80 Northeast line, an iron stake for corner;

THENCE North 16 degrees 37 minutes East, along the East line of the above described property, a distance of 20.00 feet to a point for corner;

THENCE South 20 degrees 31 minutes East, leaving said above described property East line, a distance of 31.75 feet to a point on the said U. S. Highway No. 80 Northeast line, a point for corner;

THENCE North 58 degrees 19 minutes West, along the said U. S. Highway No. 80 Northeast line, a distance of 20.00 feet to the PLACE OF BEGINNING and containing 193 square feet of land.