

ORDINANCE NO. 1351

1157-7

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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 R-1 SINGLE FAMILY RESIDENTIAL TO GENERAL RETAIL AND ALSO TO SERVICE STATION ZONING WITH THE STIPULATION THAT 20 FEET OF RIGHT OF WAY BE DESIGNATED FOR THE FUTURE WIDENING OF BARNES BRIDGE ROAD ON TRACT 16 OF ABSTRACT 1157 CITY OF MESQUITE TAX RECORDS, DALLAS COUNTY, TEXAS, AND 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 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 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 R-1 Single Family Residential to General Retail and also to Service Station Zoning with the stipulation that 20 feet of right of way be designated for the future widening of Barnes Bridge Road.

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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all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.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. 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 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 3rd day of January, A.D., 1977.

Bob Beard
Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughy
Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

3.962 ACRES

BEING a survey of a tract of 3.962 Acres of land in the JOSIAH PHELPS SURVEY ABST. NO. 7, Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point in the West line of Belt Line Road that is \parallel $00^{\circ}24'00''$ E, 209.0 ft. from the point of intersection of the West line of Belt Line Road with the North line of Barnes Bridge Road;

THENCE N $89^{\circ}36'00''$ W, 200.0 ft.;

THENCE S $00^{\circ}24'00''$ W, 145.52 ft. to a point in the North line of Barnes Bridge Road;

THENCE Northwesterly, along the Northerly lines of Barnes Bridge Road, as follows:

1st. Northwesterly around a curve to the right that has a Central Angle of $11^{\circ}07'35''$, a Radius of 543.1 ft., a Tangent of 52.58 ft. for a distance of 104.83 ft.;

2nd. \parallel $52^{\circ}18'00''$ W, 630.6 ft. to the beginning of a curve to the left that has a Central Angle of $12^{\circ}02'01''$, a Radius of 603.1 ft. (Radial bearing at this point being S $37^{\circ}42'00''$ W) and a Tangent of 64.1 ft.;

3rd. Northwesterly around said curve to the left; 127.72 ft.;

4th. \parallel $02^{\circ}04'00''$ E, 20.0 ft. to a point in the North line of the H. A. O'Hare 232.367 Acre tract as described in Deed filed in Vol. 2610, page 131 DRDCT;

THENCE S $87^{\circ}56'00''$ E, along the North line of said O'Hare tract, same being the center-line of the old Barnes Bridge Road (Abandoned), 473.13 ft. to a point in the West line of the T. L. Jeffrey's tract;

THENCE S $02^{\circ}28'00''$ E, 190.37 ft. to the Southwest corner of said Jeffrey's tract;

THENCE S $87^{\circ}56'00''$ E, 415.57 ft. to the Southeast corner of said Jeffrey's tract, a point in the West line of Belt Line Road;

THENCE Southerly, along the West line of Belt Line Road, as follows:

1st. Southerly around a curve to the right that has a Central Angle of $01^{\circ}37'46''$, a Radius of 2814.79 ft. (Radial bearing at this point being S $38^{\circ}46'14''$ W) a Tangent of 40.03 ft., for a distance of 80.05 ft.;

2nd. S $00^{\circ}24'00''$ W, 81.8 ft. to the POINT OF BEGINNING, and containing 3.962 Acres of land.

NOTE:: 1. Vacant.
2. Fences as shown.

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EXHIBIT A

FIELD NOTES FOR SERVICE STATION ZONING

BEING a survey of a tract of 0.825 Acres of land in the Josiah Phelps Survey Abst. No. 1157, Dallas County, Texas; and being more particularly described as follows;

BEGINNING at the point of intersection of the West line of Belt Line Road with the North line of Barnes Bridge Road;

THENCE Northwesterly along the North line of Barnes Bridge Road, a curve to the right that has a Central Angle of $22^{\circ} 00' 12''$, a Radius of 543.1 ft. (Radial bearing at this point being $N 04^{\circ} 38' 13'' E$), a Tangent of 105.58 ft. for a distance of 208.57 ft.;

THENCE $N 00^{\circ} 24' 00'' E$, 145.52 ft.;

THENCE $S 89^{\circ} 36' 00'' E$, 200.0 ft. to a point in the West line of Belt Line Road;

THENCE $S 00^{\circ} 24' 00'' W$, along the West line of Belt Line Road, 200.0 ft. to the POINT OF BEGINNING and containing 0.825 Acres of land.

00005

CERTIFICATE FOR
ORDINANCE AUTHORIZING PUBLICATION OF NOTICE
OF INTENTION TO ISSUE CERTIFICATES OF OBLI-
GATION OF THE CITY OF MESQUITE, TEXAS

THE STATE OF TEXAS :
COUNTY OF DALLAS :
CITY OF MESQUITE :

We, the undersigned officers of said City, hereby certify as follows:

1. The City Council of said City convened in
REGULAR MEETING ON THE 7TH DAY OF FEBRUARY, 1977,
at the Municipal Building, and the roll was called of the duly
constituted officers and members of said City Council, to-wit:

Norma G. McGaughy, City Secretary	Bob Beard, Mayor
Mrs. Brunhilde Nystrom	Jim Attaway
Vernie Erwin	Bill J. Smith
Jerry Sharp	Joe D. Goggans

and all of said persons were present, except the following
absentees: Bob Beard, Mayor

thus constituting a quorum. Whereupon, among other business
the following was transacted at said Meeting: a written

ORDINANCE AUTHORIZING PUBLICATION OF NOTICE
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GATION OF THE CITY OF MESQUITE, TEXAS

was duly introduced for the consideration of said City Council
and read in full. It was then duly moved and seconded that said
Ordinance be passed; and, after due discussion, said motion,
carrying with it the passage of said Ordinance, prevailed and
carried by the following vote:

AYES: All members of said City Council
shown present above voted "Aye".

NAYS: None.

2. That a true, full, and correct copy of the aforesaid
Ordinance passed at the Meeting described in the above and fore-
going paragraph is attached to and follows this Certificate;
that said Ordinance has been duly recorded in said City Council's
minutes of said Meeting; that the above and foregoing paragraph
is a true, full, and correct excerpt from said City Council's
minutes of said Meeting pertaining to the passage of said Ord-
nance; that the persons named in the above and foregoing paragraph
are the duly chosen, qualified, and acting officers and members of
said City Council as indicated therein; that each of the officers
and members of said City Council was duly and sufficiently noti-
fied officially and personally, in advance, of the time, place,
and purpose of the aforesaid Meeting, and that said Ordinance
would be introduced and considered for passage at said Meeting,

00006

CERTIFICATE FOR ORDINANCE
Page 2

and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St. Article 6252-17.

3. That the Mayor of said City has approved, and hereby approves, the aforesaid Ordinance; that the Mayor and the City Secretary of said City have duly signed said Ordinance; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

SIGNED AND SEALED the 7th day of February, 1977.

Norman G. M. Gaughy Dennis G. Evers
City Secretary Mayor Pro Tem

(SEAL)