

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 IN ZONING FROM GENERAL RETAIL TO ALLOW A CONDITIONAL USE IN GENERAL RETAIL LIMITED TO DRIVE-IN RESTAURANT USE ONLY ON A TRACT LOCATED ON THE SOUTHWEST SIDE OF GUS THOMASSON ROAD APPROXIMATELY 800' NORTH OF THE GUS THOMASSON ROAD AND OATES DRIVE INTERSECTION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; 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 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 General Retail to allow a conditional use in General Retail limited to Drive-In Restaurant use only on a tract located on the southwest side of Gus Thomasson Road approximately 800' north of the Gus Thomasson Road and Oates Drive Intersection, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" as attached hereto and made a part of this ordinance.

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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.

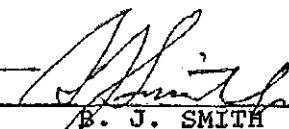
SECTION 4. That the foregoing zoning change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, 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.

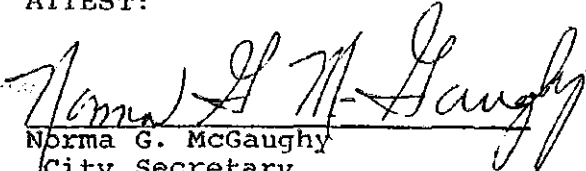
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 18th day of July , A.D., 1977.

  
B. J. SMITH  
MAYOR

ATTEST:

  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

EXHIBIT "A"

SURVEY PLAT

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TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful survey on the following described property:

Being all that certain lot, tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, and being part of Lot 1 in Block 21 of CASA VIEW HEIGHTS NO. 15, REPLAT, to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 67253, Page 1289 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the North corner of said Lot 1, Block 21 in the Southwest line of Gus Thomasson Road, a 120 Foot right-of-way, said point also being the East corner of Lot 42 in Block 16 of Casa View Heights No. 15;

THENCE South  $44^{\circ} 51'$  East with the Southwest line of Gus Thomasson Road a distance of 100 feet to a point for corner;

THENCE South  $45^{\circ} 09'$  West parallel with the Northwest line of said Lot 1, Block 21 a distance of 200 feet to a point for corner in the Northeast line of a Subdivision recorded in Volume 72086, Page 3122 of the Map Records of Dallas County, Texas;

THENCE North  $44^{\circ} 51'$  West with said Northwest line of Subdivision a distance of 100 feet to its North corner in the Northwest line of said Lot 1;

THENCE North  $45^{\circ} 09'$  East with the Northwest line of said Lot 1 a distance of 200 feet to the place of BEGINNING and containing 0.459 acres of land.

The plat hereon is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown.



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