

ORDINANCE NO. 1373

1095-12

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 "R-2" SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT FOR COMMERCIAL USES ON A TEN (10) ACRE TRACT LOCATED SOUTH OF TOWN EAST MALL AND EAST OF INTERSTATE HIGHWAY 635, 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 "R-2" Single Family Residential to Planned Development for Commercial Uses on a Ten (10) Acre Tract located South of Town East Mall and East of Interstate Highway 635, 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 1st day of August, A.D., 1977.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Presiding Officer

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughey
Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

EXHIBIT "A"

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TRACT ONE - FIELD NOTES

BEING a tract of land situated in the ZACH MOTLEY SURVEY, Abstract No. 1007 and the JOHN T. NELMS SURVEY, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and also being a part of a 32.61 acre tract conveyed to E. K. Franklin, et ux, by Bedford Galloway by deed dated November 17, 1948, and recorded in Volume 3064, Page 110, of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for a corner in the East R.O.W. line of Interstate Highway 635, said point being the Southwest Corner of a 74.04 acre tract conveyed to Sears, Roebuck and Company, by deed dated September 30, 1966, and recorded in Volume 918, Page 855 of the Deed Records of Dallas County, Texas;

THENCE South $89^{\circ} 57' 01''$ East along the South line of said 74.04 acre tract a distance of 471.10 ft. to a point for a corner;

THENCE South $0^{\circ} 02' 59''$ West a distance of 425.00 ft. to a point for a corner;

THENCE North $89^{\circ} 57' 01''$ West a distance of 394.53 ft. to a point for a corner in the East R.O.W. line of Interstate Highway 635;

THENCE North $20^{\circ} 43' 34''$ West along said East R.O.W. line of Interstate Highway 635 a distance of 14.72 ft. to a point for a corner;

THENCE North $13^{\circ} 27' 44''$ West continuing along said East R.O.W. line of Interstate Highway 635 a distance of 161.12 ft. to a point for a corner;

THENCE North $7^{\circ} 29' 26''$ West continuing along said East R.O.W. line of Interstate Highway 635 a distance of 256.80 ft. to the Point of Beginning and containing 4.2857 Acres (186,680 sq. ft.) of land.

EXHIBIT "A"

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TRACT TWO - FIELD NOTES

BEING a tract of land situated in the ZACH MOTLEY SURVEY, Abstract No. 1007, and the JOHN T. NELMS SURVEY, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and also being a part of a 32.61 acre tract conveyed to E. K. Franklin, et ux, by Bedford Galloway by deed dated November 17, 1948, and recorded in Volume 3064, Page 110, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point of reference in the East R.O.W. line of Interstate Highway 635, said point being the Southwest corner of a 74.04 acre tract conveyed to Sears, Roebuck and Company, by deed dated September 30, 1966, and recorded in Volume 918, Page 855 of the Deed Records of Dallas County, Texas;

THENCE South $89^{\circ} 57' 01''$ East along the South line of said 74.04 acre tract a distance of 471.10 ft. to the Point of beginning of this tract;

THENCE South $89^{\circ} 57' 01''$ East along South line of said 74.04 acre tract a distance of 585.68 ft. to a point for a corner;

THENCE South $0^{\circ} 02' 59''$ West a distance of 425.00 ft. to a point for a corner;

THENCE North $89^{\circ} 57' 01''$ West a distance of 585.68 ft. to a point for a corner;

THENCE North $0^{\circ} 02' 59''$ East a distance of 425.00 ft. to the point of Beginning and containing 5.7143 Acres (248,917 sq. ft.) of land.