

ORDINANCE NO. 1374

00071

1157-7A

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 SERVICE STATION ON PARCEL 1 AND FROM SERVICE STATION TO GENERAL RETAIL ON PARCEL 2; SAID PROPERTY BEING LOCATED ON THE NORTHWEST CORNER OF THE BARNES BRIDGE ROAD AND BELT LINE ROAD 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 Service Station on Parcel 1 and from Service Station to General Retail on Parcel 2; said property being located on the Northwest corner of the Barnes Bridge Road and Belt Line Road 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 1st day of August, A.D., 1977.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Presiding Officer

ATTEST:

Norma G. McGaughey
Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

EXHIBIT "A"

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FIELD NOTES
PARCEL 1

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

EXHIBIT "A"

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FIELD NOTES
PARCEL 2

BEING a survey of a tract of 0.290 Acres of land in the JOSIAH PHELPS SURVEY ABST. NO. 1157, Dallas County, Texas and being more particularly described as follows;

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

THENCE N 00°24'00" E, along the West line of Belt Line Road, 200.0 ft. to the POINT OF BEGINNING of the 0.290 Acre tract described herein:

THENCE N 89°36'00" W, 92.78 ft.;

THENCE N 00°24'00" E, 50.0 ft.;

THENCE S 89°36'00" E, 21.67 ft.;

THENCE N 00°24'00" E, 113.88 ft. to a point in the South line, of the T. L. Jeffrey's tract;

THENCE S 87°56'00" E, along said South line, 70.0 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°37'46", a Radius of 2814.79 ft. (Radial bearing at this point being S 88°46'14" W), a Tangent of 40.03 ft. and for a distance of 80.05 ft.; 2nd. S 00°24'00" W, 81.8 ft. to the POINT OF BEGINNING and containing 0.290 Acres of land.

CERTIFICATE FOR
ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS

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 the said City duly convened in REGULAR MEETING ON THE 1ST DAY OF AUGUST, 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 | B.J. Smith, Mayor |
| Mrs. Brunhilde Nystrom | Jim Attaway |
| Vernie Erwin | Len Gibbens |
| Jim Lassiter | Joe D. Goggans |

and all of said persons were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS 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.

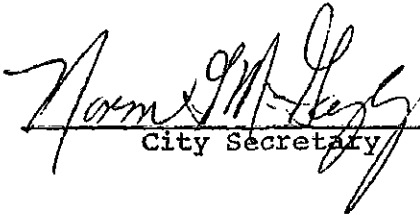
2. That a true, full, and correct copy of the aforesaid Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Ordinance has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full, and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Ordinance; 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 notified 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, 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.

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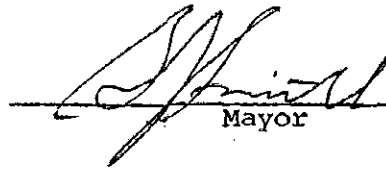
CERTIFICATE FOR REVENUE BONDS, Cont'd

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 1st day of August, 1977.



City Secretary



Mayor