

ORDINANCE NO. 1405

C0185

Appl. No. 1031-11

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 FOR A CONDITIONAL USE IN A COMMERCIAL DISTRICT FOR A COMMERCIAL OUTDOOR RECREATIONAL BUSINESS (WATER SLIDE) ON PART OF TRACT 1, ABSTRACT 1031 WITH THE STIPULATION THAT: (1) THE EXTERIOR LIGHTING BE DIRECTED AWAY FROM ADJACENT MAJOR STREETS (HICKORY TREE ROAD AND I-635); SAID PROPERTY BEING LOCATED 2,200 FEET NORTH OF NEW MARKET ROAD FRONTING ON THE EAST SIDE OF HICKORY TREE ROAD APPROXIMATELY 420 FEET, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" 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 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 may 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 for a Conditional Use in a Commercial District for a Commercial Outdoor Recreational Business (Water Slide) on Part of Tract 1, Abstract 1031 with the stipulation that: (1) The exterior lighting be

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directed away from adjacent major streets (Hickory Tree Rd. and I-635); said property being located 2,200 feet north of New Market Road fronting on the East Side of Hickory Tree Road approximately 420 feet, City of Mesquite, Dallas, County, Texas, and being more fully described in Exhibit "A" and 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, 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 19th day of December,
A.D., 1977.

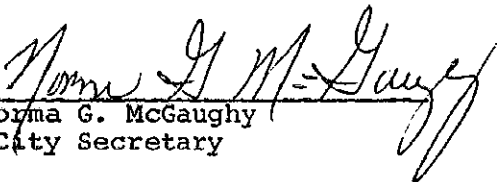
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F. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

FIELD NOTES

EXHIBIT "A"

CO188

BEING situated in the McKinney and Williams Survey, Abstract No. 1031, Dallas County, Texas, and being a part of the land conveyed to H. Lloyd Lufkin, et al by H. Lloyd Lufkin, Trustee, by deed dated October 20, 1976 and recorded in Volume 76206, Page 0749, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the East line of Hickory Tree Road, said point being 2223.44 feet Northward and along said East line from the intersection of same with the North line of New Market Road;

THENCE North 0° 23' 27" West along the East line of Hickory Tree Road a distance of 400.0 feet to an iron pipe for corner;

THENCE South 89° 47' 40" East along the North line of said Lufkin tract a distance of 310.51 feet to the intersection of same with the Southwest line of I.H. 635;

THENCE South 14° 47' 50" East along said Southwest line a distance of 409.65 feet to an iron rod for corner;

THENCE South 89° 36' 38" West a distance of 412.41 feet to the place of BEGINNING and containing approximately 143,912 square feet or 3.304 acres of land.

I, Roy H. Briscoe, a Registered Public Surveyor, State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown were properly placed under my supervision this the 17th day of September, 1977.

