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ORDINANCE NO. 1416

1461-50

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 SERVICE STATION TO PLANNED DEVELOPMENT-GENERAL RETAIL; SAID PROPERTY BEING LOCATED ON THE NORTHERN CORNER OF THE OATES DRIVE AND GUS THOMASSON ROAD INTERSECTION, 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 from Service Station to Planned Development-General Retail; said property being located on the Northern Corner of the Oates Drive and Gus Thomasson Road intersection, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" 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.

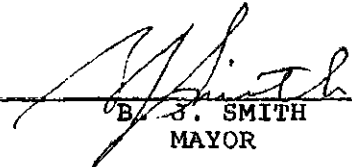
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided 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.

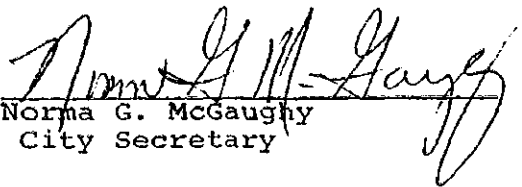
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DULY PASSED AND APPROVED by the City Council of the  
City of Mesquite, Texas, on the 20th day of February, A.D.,  
1978.

  
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B. S. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

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Elland Archer  
City Attorney

1961, City of Mesquite, Dallas County, Texas, being out of  
 an original 36.5 Acre tract of land conveyed to J. L. Galloway and  
 W. B. Hailey by John S. Byrd and wife Dorothy, H. Byrd as recorded  
 in Volume 2952 at page 64 of the Deed Records of Dallas County, Texas,  
 and being more particularly described as follows;

BEGINNING, at the intersection of the Northeast line of Gus Thomasson  
 Road (a 179.00 foot R.O.W.) with the Northwest line of Oates Drive (a  
 100.00 foot R.O.W.), an "X" in concrete for corner;

THENCE, North 45 deg. 11 min. West with the said Northeast line of  
 Gus Thomasson Road a distance of 175.00 feet, an iron stake for corner;

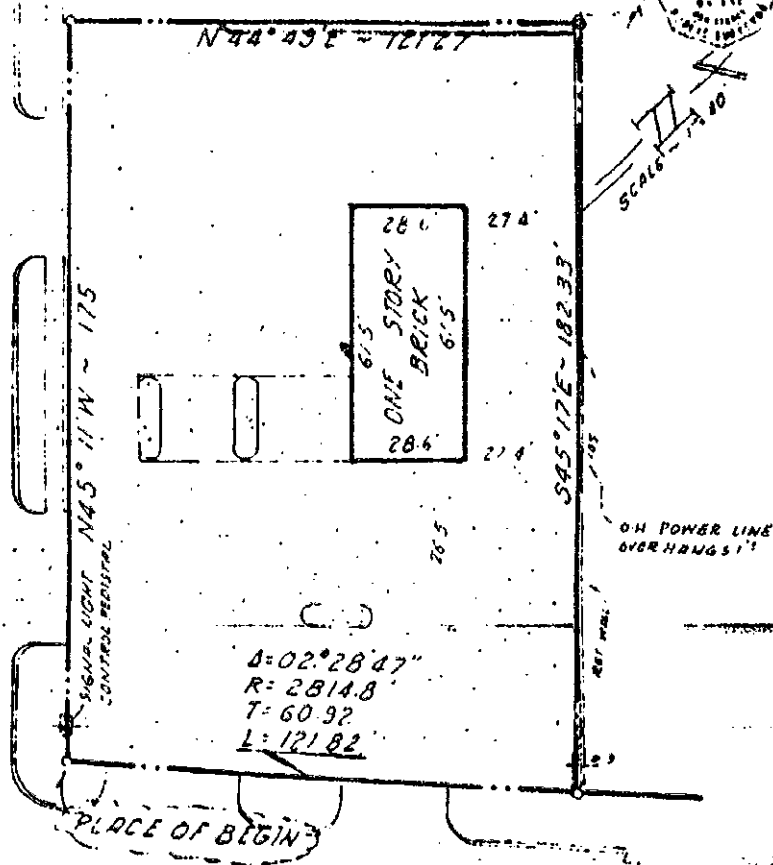
THENCE, North 44 deg. 49 min. East, leaving the said Northeast  
 line of Gus Thomasson Road a distance of 121.27 feet to a point in  
 the Southwest line of a tract of land conveyed to Southwestern Bell  
 Telephone Co. by J. L. Galloway and W. B. Hailey in deed recorded  
 in Volume 4644 at page 133 of the Deed Records of Dallas County, Texas,  
 an iron stake for corner;

THENCE, South 45 deg. 17 min. East, with the Southwest line of  
 said Southwestern Bell Telephone Co. tract a distance of 182.33 feet  
 to a point in the Northwest line of Oates Drive (a 100.00 foot R.O.W.),  
 an "X" in concrete found for corner;

THENCE, Southwesterly with the said Northwest line of Oates Drive  
 same being with a curve to the right having a central angle of 02 deg.  
 28 min. 47 sec. a radius of 2,814.8 feet, a tangent bearing South  
 47 deg. 01 min. 39 sec. West, a distance of 121.82 feet, to the Place  
 of Beginning and containing 21,748 Sq. Ft. of land.

Registered Public Surveyor #484  
 1421 Ferndale Ave. - 948-8496

GUS THOMASSON ROAD (120' ROW)



OATES

DRIVE (100' ROW)