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ORDINANCE NO. 1431

Appl. No. 1362-14

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 R-3 SINGLE FAMILY RESIDENTIAL AND A SPECIAL PERMIT FOR A KINDERGARTEN SCHOOL TO GENERAL RETAIL ON PART OF TRACT 5, ABSTRACT 1362. THIS 0.7-ACRE TRACT OF LAND IS LOCATED APPROXIMATELY 525 FEET NORTHEAST OF THE TOWN EAST BOULEVARD AND MOTLEY DRIVE INTERSECTION, FRONTS TOWN EAST BOULEVARD APPROXIMATELY 150 FEET ON THE NORTHWEST AND HAS A DEPTH OF 200 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:

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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-3 Single Family Residential and a Special Permit for a Kindergarten School to General Retail on part of Tract 5, Abstract 1362. This 0.7-Acre Tract of land is located approximately 525 feet Northeast of the Town East Blvd. and Motley Drive Intersection, Fronts Town East Blvd. approximately 150 feet on the Northwest and has a depth of 200 feet, 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 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.

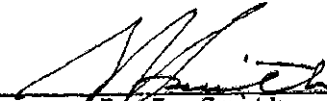
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction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

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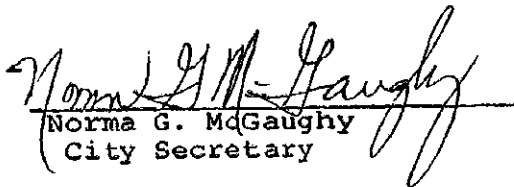
and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of May, A.D., 1978.

  
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E. J. Smith  
Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Elland Archer  
City Attorney

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Tom Watson Dental Clinic Site

STATE OF TEXAS  
COUNTY OF DALLAS

BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1466 and the T.D. Sackett Survey, Abstract No. 1326, City of Mesquite, Dallas County, Texas; and being part of a 3.84 acre tract of land conveyed to Town East Baptist Church from Trustees of Shiloh Terrace Baptist Church by deed dated July 11, 1963 and recorded in Volume 106, Page 1731, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod for a corner on the Northwest line of Town East Blvd. at the Southwest corner of Skaggs Albertson Addition an addition to the City of Mesquite, Texas, said Point of Beginning also being on the Southwest line of said 3.84 acre tract.

THENCE: North 45° 00' 00" West with the Southwest line of said 3.84 acre tract 191.69 feet to an iron rod for a corner:  
THENCE: North 49° 34' 40" East 157.00 feet to an iron rod for a corner:  
THENCE: South 45° 00' 00" East 191.69 feet to an iron rod for a corner on the Northwest line of Town East Blvd.  
THENCE: South 49° 34' 40" West with the Northwest line of Town East Blvd. 157.00 feet to the Point of Beginning and containing 30,000.00 Square feet or 0.6887 acre of land.

Taken from Harold W. Robertson Survey dated March 29, 1978