

00069

ORDINANCE NO. 1434

Appl. No. 972-4

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 TO PLANNED DEVELOPMENT FOR A DAY CARE CENTER ON A TRACT BEING LOCATED APPROXIMATELY 500' NORTH OF THE BELT LINE ROAD AND BRUTON 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 R-3 Single Family Residential to Planned Development for a Day Care Center

on a tract being located approximately 500' North of Belt Line Road and Bruton 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.

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

  
B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughy  
City Secretary

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

00072

May 29, 1978

DESCRIPTION

Being a tract of land situated in the City of Mesquite, Dallas County, Texas, out of the JAMES MOORE SURVEY ABSTRACT NO. 972 and the JOHN SCURLOCK SURVEY, ABSTRACT NO. 1368, and being part of a certain 53.95 acre tract of land conveyed to J. S. Neshitt, Jr., by Clarence L. Neshitt, by Deed recorded in Volume 3764, Page 97 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron stake for corner in the East line of Belt Line Road as established by right of way Deed to the County of Dallas, recorded in Volume 74080, Page 1744 of the Deed Records of Dallas County, Texas, said point being 50 feet East of the Northwest corner of a certain tract of land conveyed to Frost Grave Yard by John S. Frost, by Deed recorded in Volume 55, Page 40 of the Deed Records of Dallas County, Texas;

THENCE North  $3^{\circ} 38'$  East with said East right of way line of Belt Line Road a distance of 43.99 feet to the beginning of a curve to the left having a radius of 2852.98 feet and a central angle of  $4^{\circ} 32' 19''$ , an iron stake;

THENCE Northerly with said line of Belt Line Road and along said Curve to the left an arc distance of 226 feet to an iron stake in the South line of an 18 foot alley;

THENCE North  $87^{\circ} 42'$  East with said alley a distance of 314.36 feet to an iron stake for corner;

THENCE South  $47^{\circ} 18'$  East along an alley cut-off line a distance of 28.28 feet to an iron stake for corner in the West line of a 18 foot alley;

THENCE South  $2^{\circ} 18'$  East with the West line of said alley a distance of 462 feet to the Northeast corner of a certain 2.95 acres called Tract One in Deed to Robert S. Folsom, dated July 13, 1962, recorded in Volume 5819, Page 568 of the Deed Records of Dallas County, Texas; an iron stake;

THENCE South  $87^{\circ} 42'$  West with the North line of said Folsom tract a distance of 277.24 feet to the Southeast corner of said Frost Grave Yard tract, an iron stake;

THENCE North  $2^{\circ} 37' 11''$  East with the East line of said Grave Yard Tract a distance of 204 feet to its Northeast corner, a fence post;

THENCE North  $86^{\circ} 29' 21''$  West with the North line of said Grave Yard Tract a distance of 94.13 feet to the place of BEGINNING and containing 3.428 acres of land, more or less.

*Lynn Parish*

Lynn Parish