

ORDINANCE NO. 1444

Appl. No. 1157-10

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 ALLOW A CONDITIONAL USE IN GENERAL RETAIL ZONING FOR A DAY-CARE CENTER ON A TRACT LOCATED APPROXIMATELY 745' WEST OF THE BARNES BRIDGE ROAD AND BELT LINE 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 allow a conditional use in General Retail Zoning for a Day-Care Center on a tract located approximately 745' west of the Barnes Bridge Road and Belt Line 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

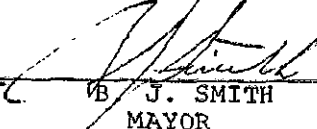
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

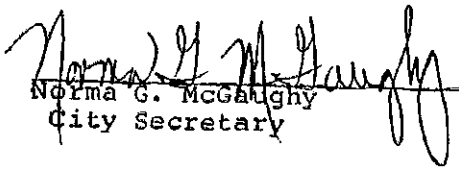
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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.

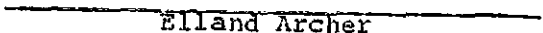
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of July, A.D., 1978.


B. J. SMITH
MAYOR

APPROVED AS TO FORM:

ATTEST:


Norma G. McGaughy
City Secretary


Elland Archer
City Attorney

BEING a survey of a tract of 21,428 Sq. Ft. of land in the SODIAN WELLS SURVEY
 AUST. NO. 1157, Dallas County, Texas; and being more particularly described as
 follows:

COMMENCING at the point of intersection of the Northeast line of Barnes Bridge
 Road (30.0 ft. from centerline) with the West line of Belt Line Road (50.0
 ft. from centerline). Thence Northwesterly, along the Northeast line of Barnes
 Bridge Road, (parallel to and 30.0 ft. from the centerline of same), as follows:
 1st. Northwesterly, around a curve to the right that has a Radius of 543.1 ft.
 for a distance of 313.4 ft.; 2nd. N 52°18'00" W, 433.43 ft.; 3rd. N 02°04'00" E,
 24.0 ft., to the POINT OF BEGINNING of the 21,428 Sq. Ft. tract described herein:

THENCE Northwesterly, along the Northeast line of Barnes Bridge Road (parallel
 to and 50.0 ft. from the centerline of same), as follows:
 1st. N 52°18'00" W, 132.83 ft. to the beginning of a curve to the left that has a
 Central Angle of 12°31'39", a Radius of 623.1 ft. (Radial bearing at this point
 being S 37°42'00" W) and a tangent of 68.35 ft.;
 2nd. Northwesterly, around said curve to the left, 136.15 ft. to a point in the
 North line of the M.A. O'Hare 232.367 Acre tract as per Vol. 2615, page 171 of
 the Deed Records of Dallas County, Texas;
 THENCE S 87°56'00" E, along the North line of said O'Hare tract and along the cen-
 terline of the Old Barnes Bridge Road (abandoned), 267.91 ft.;
 THENCE S 02°04'00" W, 173.17 ft. to the POINT OF BEGINNING and containing 21,428
 Sq. Ft. of land,

NOTE: Vacant.

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