

ORDINANCE NO. 1448

Appl. No. CV15-13

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 GENERAL RETAIL TO SERVICE STATION (TRACT 1) AND FROM SERVICE STATION TO GENERAL RETAIL (TRACT 2) ON THE PROPERTY LOCATED ON THE WEST CORNER OF THE LA PRADA 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 General Retail to Service Station (Tract 1) and from Service Station to General

Retail (Tract 2) on the property located on the West corner of the La Prada 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 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 of 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.

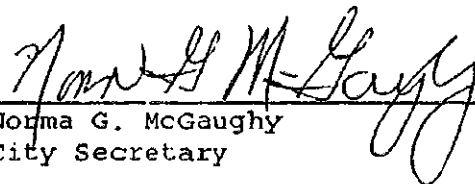
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of August, A.D., 1978.



B. J. Smith
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

00136

part of Lot 15, Block 1 of Casa View Heights Addition No. 15 and being the same property conveyed to Broadway, C1 Company by deed dated December 10, 1978 as recorded in Volume 117, Page 96, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

TRACT 1

Beginning at a point 150.0 feet southwest of the intersection of the southwest line of Gus Thomason Road with the northwest line of La Prada Drive.

THENCE, S45°17'W along the northwest line of La Prada Drive a distance of 35.0 feet to a point for corner.

THENCE, S45°17'W a distance of 150.0 feet to a point for corner.

THENCE, S45°17'E a distance of 35.0 feet to a point for corner.

THENCE, S44°43'E a distance of 150.0 feet to the point of beginning and containing approximately 4,550 sq. feet or 0.104 acres.

TRACT 2

Beginning at a point 7.0 feet northwest of the intersection of the southwest line of Gus Thomason Road with the northwest line of La Prada Drive.

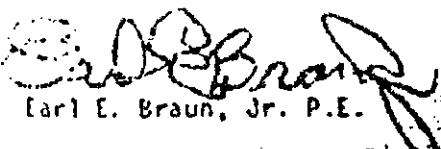
THENCE, S44°43'W along the said southwest line of Gus Thomason Road a distance of 7.0 feet to a point of corner.

THENCE, S45°17'W a distance of 150.0 feet to a point for corner.

THENCE, S44°43'E a distance of 80.0 feet to a point for corner.

THENCE, S45°17'E a distance of 150.0 feet to the point of beginning and containing approximately 12,000 sq. feet or 0.275 acres.

I hereby certify to purchaser and Lawyers Title Insurance Corporation that this survey made under my supervision, July 25, 1978, correctly shows the location of buildings and other structures to the property lines of the land indicated hereon; that the walls of said buildings are plumb and that there are no encroachments of adjoining buildings or structures from said lands, except as shown.


Earl E. Braun, Jr. P.E.

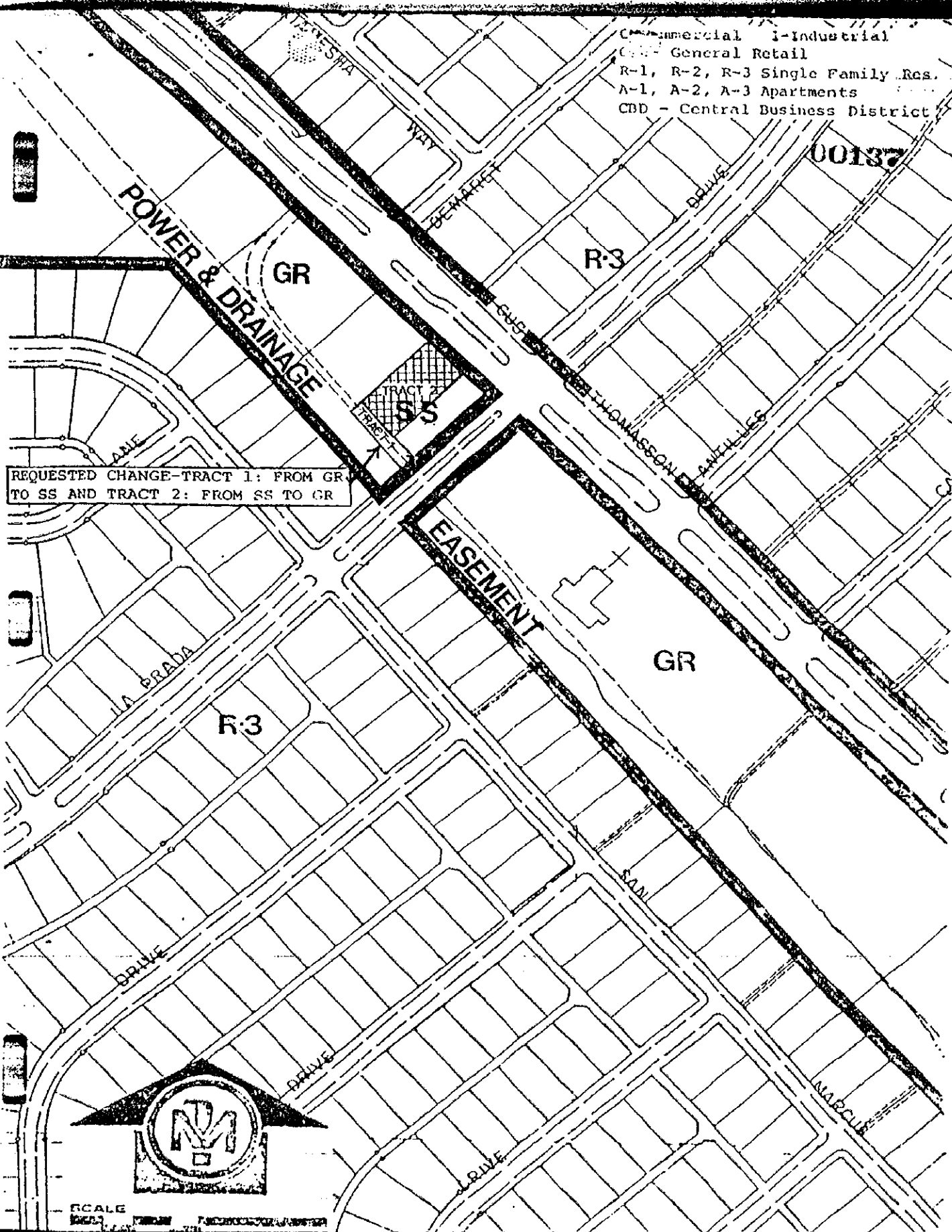
Commercial 1-Industrial
 C-1 - General Retail
 R-1, R-2, R-3 Single Family Res.
 A-1, A-2, A-3 Apartments
 CBD - Central Business District

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REQUESTED CHANGE-TRACT 1: FROM GR
 TO SS AND TRACT 2: FROM SS TO GR



SCALE
 1" = 100'



C0138