

ORDINANCE NO. 1459

Appl. No. 74-11

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT COMMERCIAL RESTRICTED TO A SMALL BOAT REPAIR AND SERVICE CENTER ON A TRACT LOCATED APPROXIMATELY 135' WEST OF THE HICKORY TREE AND POTTER LANE INTERSECTION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART 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 Commercial restricted to a small boat repair and service center on a tract located approximately 135' west of the Hickory Tree and Potter Lane 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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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.

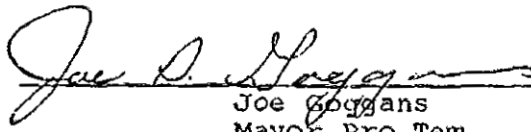
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 2nd day of October, A.D., 1978.



Joe Goggans
Mayor Pro Tem

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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ALL PARTIES INTERESTED IN PREVIOUS SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground property located at No. 1207 Hickory Tree Road, in Dallas County, Texas, being described as follows:

BEING all that certain lot, tract or parcel of land situated in Dallas County, Texas, out of JOB BAUKLEY SURVEY, ABSTRACT NO. 74, and being part of a three acre tract of land conveyed C.J. Soules, et ux, by deed dated November 11, 1933 and recorded in Volume 1832 at page 533 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the North line of Potter Lane, said point being North 89° West, a distance of 135 feet from the West line of Hickory Tree Road;

HENCE North 89° 51' West along the North line of Potter Lane, a distance of 187 feet to a point for corner;

HENCE North parallel with the West line of Hickory Tree Road, a distance of 251 feet to a point for corner in the North line of said three acre tract;

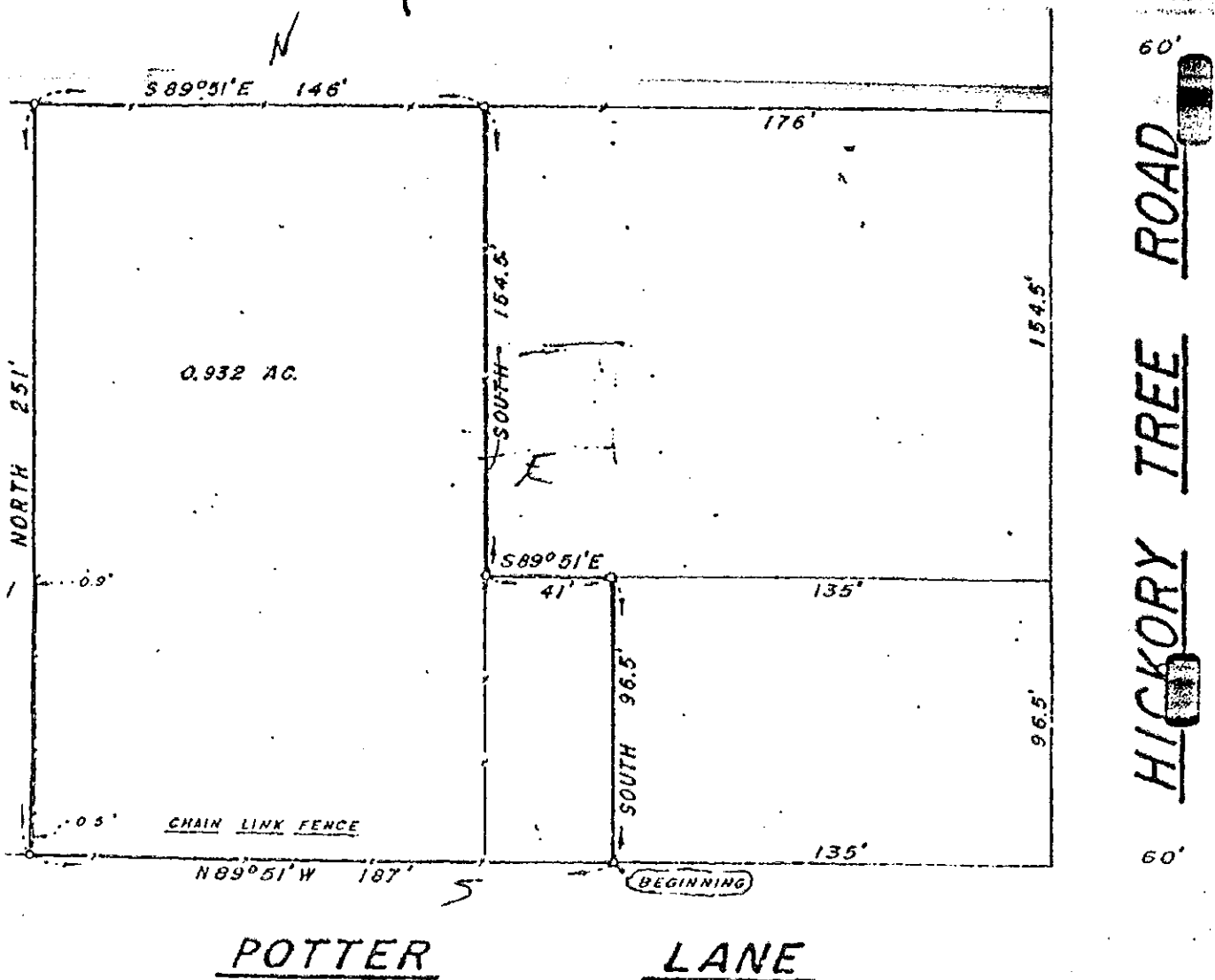
HENCE South 89° 51' East along the North line of said three acre tract, a distance of 146 feet to a point for corner, said point being the Northwest corner of a tract of land conveyed C. J. Soules, Jr. by deed dated February 5, 1958 and records in Volume 4842 at page 346 of the Deed Records of Dallas County, Texas;

HENCE South along the West line of said C. J. Soules Jr. tract, a distance of 154.5 feet to a point for corner;

HENCE South 89° 51' East along the South line of said C. J. Soules Jr. tract, a distance of 146 feet to a point for corner;

HENCE South, a distance of 96.5 feet to the place of Beginning and containing 0.932 acres of land.

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The plat hereon is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat; the site, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions.

Scale: 1" = 50'	W.O. No. 13313
Date 4-1-74	Inv. No. 13101

By *Lynn Parish*
 LYNN PARISH
 Registered Public Surveyor 381-1156
 7800 Millhobby Parkway, Dallas, Texas 75227

