

ORDINANCE NO. 1462

Appl. 1462-118

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 SERVICE STATION TO COMMERCIAL WITH THE STIPULATION THAT THE ZONING CHANGE BE GRANTED SUBJECT TO REVIEW ON A YEARLY BASIS; SAID PROPERTY BEING LOCATED APPROXIMATELY 300 FEET SOUTHEAST OF THE GUS THOMASSON ROAD AND U.S. HIGHWAY 80 INTERSECTION, FRONTING THE SOUTHWEST SIDE OF GUS THOMASSON ROAD APPROXIMATELY 125 FEET AND HAVING A DEPTH OF 100 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:

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 Service Station to Commercial with the stipulation that the zoning change be granted subject to review on a yearly basis; said property being located approximately 300

feet Southeast of the Gus Thomasson Road and U.S. Highway 80 Intersection, fronting the Southwest side of Gus Thomasson Road approximately 125 feet and having a depth of 100 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, crea

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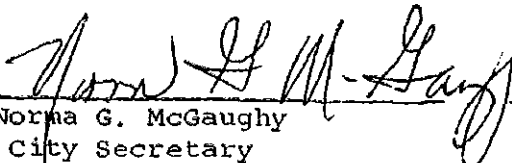
an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of October, A.D., 1978.


JOE GOGGANS
MAYOR PRO TEM

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

DESCRIPTION OF TRACT ON GUS THOMASSON ROAD

Being in the City of Mesquite, Texas, County of Dallas, in the State of Texas, and more particularly described as follows:

Commencing at a point for a corner at the intersection of the South line of I. H. 20 (U. S. Hwy. 80) and the (original) Southwest line of Gus Thomasson Road.

Thence, Southeast along the original Southwest line of Gus Thomasson Road $S45^{\circ} 30'E$ a distance of 396.9 feet to a point for a corner, being the original East corner of the Hopkins 20-acre tract.

Thence, $S44^{\circ} 48'W$ 20 feet to a point for a corner in the Southwest line of Gus Thomasson Road.

Thence, $N45^{\circ} 30'W$ along the Southwest line of Gus Thomasson Road a distance of 50.0 feet to an iron pipe for the place of beginning and being 50.0 feet measured at right angles to the centerline of Gus Thomasson Road.

Thence, $S44^{\circ} 48'W$ and parallel to the Southeast line of the Hopkins 20-acre tract a distance of 100.0 feet to an iron pipe for a corner.

Thence, $N45^{\circ} 30'W$ a distance of 125.0 feet parallel to the Southwest line of Gus Thomasson Road to an iron pipe for a corner.

Thence, $N44^{\circ} 48'E$ a distance of 100.0 feet to an iron pipe for a corner in the Southwest line of Gus Thomasson Road.

Thence, $S45^{\circ} 30'E$ along the Southwest line of Gus Thomasson Road 125.0 feet to the place of beginning and containing 12,500 square feet more or less.

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