

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 PLANNED DEVELOPMENT-GENERAL RETAIL ZONING ON A TRACT LOCATED ON THE WESTERN CORNER OF THE MOTLEY 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 Service Station to Planned Development-General Retail Zoning on a tract located on the Western Corner of the Motley 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.

00020 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

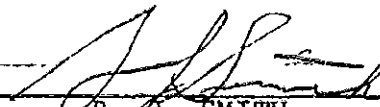
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

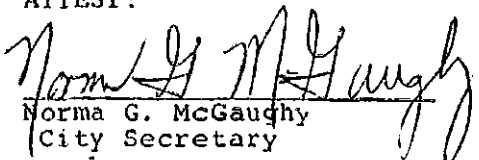
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 by the City Council of the City of Mesquite, Texas, on the 20th day of November, A.D., 1978.


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, Dr. Alvin Carleton is the owner of a tract of land in the City of Mesquite, Texas, being described as follows:

BEING a tract or part of land situated in the County of Dallas, State of Texas, and being in the William Johnston Survey, Abstract No. 706, City of Mesquite, Dallas County, Texas, said tract also being a part of Lot 18 in Block 1 of Case New Heights No. 1, in addition to the City of Mesquite, Dallas County, Texas, and being the same tract of land conveyed to Dr. Alvin Carleton from G. E. Chapman and E. J. Dalton by deed dated September 8, 1959, and filed in Volume 467 of Page 162, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the road for a corner located on the Southwest right-of-way line of Gus Thomason Road (a 120-foot right-of-way) at a point of intersection of said right-of-way line with the North-west right-of-way line of Mesquite Drive in Section 18, T. 10N., R. 10E., S. 10W., Dallas County, Texas;

THENCE South 89 degrees 15 minutes West with said right-of-way line of Mesquite Drive a distance of 100.00 feet to a point of intersection;

THENCE South 89 degrees 15 minutes West with said right-of-way line of Mesquite Drive a distance of 100.00 feet to a point of intersection;

THENCE East 89 degrees 15 minutes North with said right-of-way line of Mesquite Drive a distance of 100.00 feet to a point of intersection;

THENCE South 89 degrees 15 minutes West with said right-of-way line of Mesquite Drive a distance of 100.00 feet to the Place of Beginning and Containing 1/4 of Section 18, T. 10N., R. 10E., S. 10W., Dallas County, Texas, more or less.

WITNESSE MY HAND AND SEAL OF OFFICE HEREIN

Notary Public in and for the State of Texas, My Commission Expires on 12/31/1960

WITNESS my hand and seal of office this _____ day of _____, 19____.

STATE OF TEXAS
COUNTY OF DALLAS

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