

ORDINANCE NO. 1482

Appl. No. 1622-1

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 COMMERCIAL TO A CONDITIONAL USE IN COMMERCIAL FOR PROCESSING AND FABRICATION ON A TRACT GENERALLY BOUNDED BY U.S. HIGHWAY 80, TOWN EAST BOULEVARD AND SAMUEL BOULEVARD, 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 Commercial to a Conditional Use in Commercial for processing and fabrication on a tract generally bounded by U.S. Highway 80, Town East Boulevard and Samuel Boulevard, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto and made a part of this ordinance.

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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.

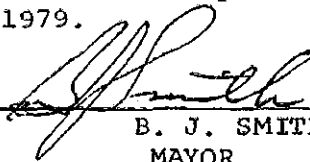
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

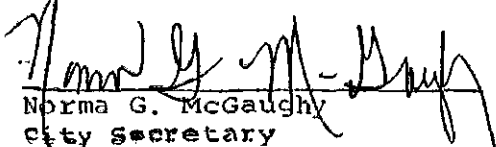
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 15th day of January, A.D., 1979.


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Att.

FIELD NOTES

BEING a tract of land situated in the J. E. FIELD SURVEY, Abstract 1622 and the JOSEPHUS FOREMAN SURVEY, Abstract No. 483, and being all Tract One, as conveyed to American Home Realty Company, as recorded in Volume 5343 at Page 601 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the North line of Samuell Boulevard (a 120' R.O.W.), said point being the Southwest corner of said Tract, and also being the Southeast corner of a 1.0 Acre Tract conveyed to C.M. POYNTER, as recorded in Volume 3672 at Page 350 of the Deed Records of Dallas County, Texas, an iron stake for corner;

THENCE, N. $0^{\circ}24'W$, leaving the said North line of Samuell Boulevard, and along the East line of the C. M. POYNTER property and the East line of the S. C. MOTLEY property, a distance of 628.43 feet to a point on the South line of U. S. Highway 80, an iron stake for corner;

THENCE, S. $70^{\circ}14'E$, along the said South line of U. S. Highway No. 80, a distance of 917.52 feet to an iron stake for corner;

THENCE, S. $6^{\circ}59'E$, a distance of 110.06 feet to a point on the Northwest line of Town East Boulevard, an iron stake for corner;

THENCE, S. $24^{\circ}26'W$, along the Northwest line of Town East Boulevard a distance of 200.00 feet to an iron stake for corner;

THENCE, S. $71^{\circ}24'W$, a distance of 190.00 feet to a point on the said North line of Samuell Boulevard, an iron stake for corner;

THENCE, S. $89^{\circ}26'W$, along the said North line of Samuell Boulevard a distance of 552.39 feet to the PLACE OF BEGINNING and containing 8.806 Acres of land.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY that the plat shown hereon accurately represents the results of an on the ground survey made under my direction and supervision. All corners located are as shown. There are no encroachments, conflicts, protrusions or easements apparent on the ground, except as shown.

DON A. TIPTON
Registered Professional Engineer

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