

ORDINANCE NO. 1511

Appl. No. TEL-8

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 SPECIAL PERMIT FOR A MENTAL RETARDATION SCHOOL TO GENERAL RETAIL WITH THE FOLLOWING STIPULATIONS: (1) THAT ANY BUILDING CONSTRUCTED UPON THE FRONT 200 FEET OF SAID LAND BE LIMITED TO OFFICE USE ONLY; (2) THAT THE PROVISIONS OF THE COMPREHENSIVE DRAINAGE ORDINANCE OF THE CITY OF MESQUITE ARE WAIVED UPON EXECUTION BY OWNER OF A RELEASE AND HOLD HARMLESS AGREEMENT APPROVED BY THE CITY ATTORNEY ABSOLVING THE CITY FROM ANY RESPONSIBILITY OR LIABILITY DUE TO FLOODING OR EROSION FROM THE DRAINAGE CHANNEL AT THE REAR OF SAID LAND; (3) THAT THE REQUIREMENT FOR A SCREENING FENCE IS WAIVED; SAID PROPERTY BEING LOCATED 240 FEET NORTHWEST OF THE MOTLEY AND PALM 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 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 from Special Permit for a Mental Retardation School to General Retail with the following stipulations: (1) That any building constructed upon the front 200 feet of said land be limited to office use only; (2) That the provisions of the Comprehensive Drainage Ordinance of the City of Mesquite are waived upon execution by owner of a release and hold harmless agreement approved by the City Attorney absolving the City from any responsibility or liability due to flooding or erosion from the Drainage channel at the rear of said land; (3) That the requirement for a screening fence is waived; said property being located 240 feet northwest of the Motley and Palm 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.

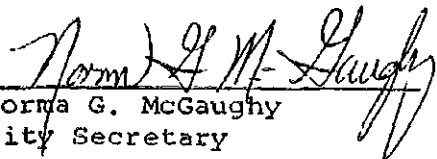
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of June, A.D., 1979.



E. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

PROPERTY DESCRIPTION

CC166

STATE OF TEXAS:
COUNTY OF DALLAS:

I, Jimmy W. Pogue, Registered Public Surveyor No. 1722, do hereby certify that this plat was prepared from an actual and accurate survey of the land made on the grounds in March 1979, and correctly represents the location of the following described property.

Being out of Tract 8 of Town East Estates, an addition to the City of Mesquite, Texas, according to map thereof of record in Volume 43, Page 151, Map Records of Dallas County, Texas, and more particularly described as follows:

BEGINNING at the East corner of said Tract 8, an iron stake in the Southwesterly line of Motley Drive (formerly Cross Road):

TRENCH South 44 degrees, 37 minutes West, along the Southeasterly line of said Tract 8, 328.34 feet to a point on the Northeasterly line of the 15 foot alley in Block U of said Town East Estates, said point also being the beginning of a curve to the left, having a tangent bearing North 49 degrees, 14 minutes, 32 seconds West, a radius of 410 feet, and a central angle of 2 degrees, 52 minutes, 28 seconds, an iron stake;

THENCE in a Northwesterly direction and around said curve of said Northeasterly line of said alley, 20.57 feet to an iron stake set for corner:

THENCE North 53 degrees, 07 minutes West, and continuing along said Northeasterly line of said alley 151.31 feet to a corner;

THENCE North 44 degrees, 37 minutes East, approximately 346.89 feet to a point in the Southwesterly line of Motley Drive for corner;

THENCE South 45 degrees, 23 minutes East, along said Southwesterly line of Motley Drive, approximately 170 feet to the place of beginning and containing approximately 1.31 acres of land.

Jimmy W. Pogue

Registered Public Surveyor No. 1722

SCALE: 1" = 40'

DATE: 3-26-79

JOB#: 15590

GFA: