

ORDINANCE NO. 1527

00229

Appl. No. 1157-11

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 GENERAL RETAIL TO CONDITIONAL USE IN GENERAL RETAIL FOR A DAY CARE FACILITY ON A TRACT LOCATED 420 FEET NORTH OF TOWN EAST BOULEVARD FRONTING THE EAST SIDE OF O'HARE DRIVE 133 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 (\$200.00) DOLLARS 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 General Retail to Conditional Use in General Retail for a Day Care Facility on a tract located 420 feet North of Town East Boulevard fronting the East Side of O'Hare Drive 133 feet, City of Mesquite, Dallas County, Texas, and being more fully described as 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.

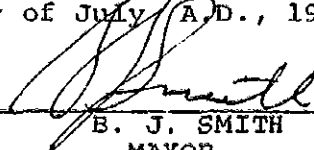
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

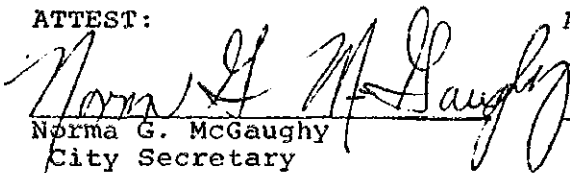
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction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

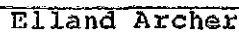
DULY PASSED AND APPROVED BY THE City Council of the City of Mesquite, Texas, on the 16th day of July A.D., 1979.

  
B. J. SMITH  
MAYOR

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
Elland Archer  
City Attorney

except as shown, noted or described on the survey. This survey is subject to any and all easements visible on the ground.

*Robert A. Wilson*  
SURVEYOR

CHILD CARE AREA FACILITIES

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, and being part of the Josiah Phelps Survey, Abstract 1157, and being more particularly described as follows:

BEGINNING at a point for corner in the easterly line of O'Hare Street (60 feet wide) said point being North 0° 11' 30" East a distance of 420.34 feet from the intersection of the easterly line of O'Hare Street and the northerly line of Town East Boulevard (80 feet wide);

THENCE North 0° 11' 30" East continuing along the easterly line of O'Hare Street a distance of 133.00 feet to a point for corner; said point being in the southerly line of an 18.00 foot alley of Meadowdale No. 3;

THENCE South 89° 40' 30" East along said southerly line of an 18.00 foot alley a distance of 160.00 feet to an angle point;

THENCE South 79° 20' 00" East continuing along said southerly line of an 18.00 foot alley a distance of 42.71 feet to a point for corner;

THENCE South 0° 11' 30" West a distance of 110.24 feet to a point for corner;

THENCE North 89° 40' 30" West a distance of 32.00 feet to a po. for corner;

THENCE South 0° 11' 30" West a distance of 15.00 feet to a point for corner;

THENCE North 89° 40' 30" West a distance of 170.00 feet to the POINT OF BEGINNING and containing 26,223 square feet, more or less, or 0.6020 acres.

ACCESS EASEMENT FIELD NOTES

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas; and being part of the Josiah Phelps Survey, Abstract 1157, and being more particularly described as follows:

BEGINNING at a point for corner in the easterly line of O'Hare Street (60 feet wide) said point being North 0° 11' 30" East a distance of 309.50 feet from the intersection of the easterly line of O'Hare Street and the northerly line of Town East Boulevard (80 feet wide);

THENCE North 0° 11' 30" East continuing along the easterly line of O'Hare Street a distance of 24.00 feet to a point for corner;

THENCE South 89° 40' 30" East a distance of 170.00 feet to a point for corner;

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