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ORDINANCE NO. 1536

Appl. No. 1157-12

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 CAR WASH ON A .4-ACRE TRACT OF LAND LOCATED APPROXIMATELY 450 FEET WEST OF THE BELT LINE ROAD AND BARNES BRIDGE ROAD INTERSECTION, FRONTING THE NORTH SIDE OF BARNES BRIDGE ROAD APPROXIMATELY 110 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 publications 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, 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 Car Wash on a .4-acre tract of land located approximately 450 feet west of the Belt Line Road and Barnes Bridge Road intersection, fronting the north side of Barnes Bridge Road approximately 110 feet, City of Mesquite, Dallas County, Texas.

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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.

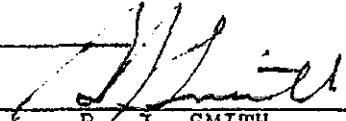
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

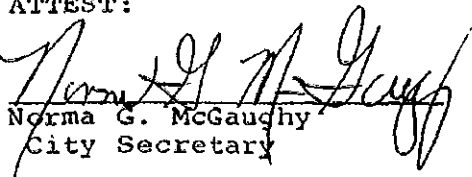
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction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


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

EXHIBIT "A"

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BEING a survey of a tract of 18,495 sq. ft. of land in the JOSIAH PHELPS SURVEY ABST. NO.1157, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the point of intersection of the Northeast line of Barnes Bridge Road (30.0 ft. from centerline) with the West line of Belt Line Road (50.0 ft. from centerline); thence Northwesterly, along the Northeast line of Barnes Bridge Road (parallel to and 30.0 ft. from the centerline of same), as follows: 1st Northwesterly around a curve to the right that has a radius of 543.1 ft. for a distance of 313.4 ft.; 2nd. N. 52° 18' 00" W, 322.66 ft.; 3rd. 24.6 ft. to the POINT OF BEGINNING of the 18,495 sq. ft. tract described herein:

THENCE N 52° 18' 00" W, along the Northeast line of Barnes Bridge Road (parallel to and 50.0 ft. from the centerline of same), 110.77 ft.

THENCE N 02° 04' 00" E, 173.17 ft. to a point in the North line of the M.A. O'Hare 232.367 Acre tract as per Vol. 2610, Pg. 131 of the Deed Records of Dallas County, Texas;

THENCE S 87° 56' 00" E, along the North line of said O'Hare tract and along the centerline of old Barnes Bridge Road (abandoned), 90.03 ft.;

THENCE S 02° 04' 00" W, 237.70 ft. to the POINT OF BEGINNING and containing 18,495 sq. ft. of land, more or less.

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