

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 SERVICE STATION ON A TRACT LOCATED ON THE EASTERN CORNER OF THE NORTHWEST DRIVE AND OATES DRIVE INTERSECTION, ON PART OF LOT 1-B, TRAILS ADDITION, 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 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 Service Station on a tract located on the eastern corner of the Northwest Drive and Oates Drive Intersection, on Part of Lot 1-B, Trails Addition, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

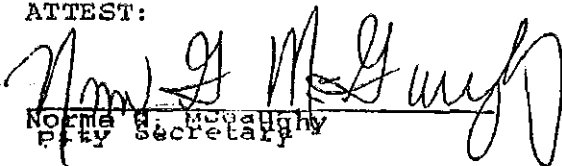
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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, Texas, on the 20th day of August, A.D., 1979.

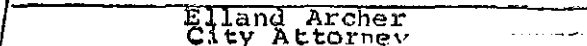


B. J. SMITH  
MAYOR

ATTEST:

  
Norma G. McLaughlin  
City Secretary

APPROVED AS TO FORM:

  
Eiland Archer  
City Attorney

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Being a tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, Dallas County, Texas, said tract being out of "THE TRAILS", an addition to the City of Mesquite, Texas, as filed in Volume 72145, page 19 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at an iron rod found for a corner at the intersection of the southeasterly right-of-way line (80' R.O.W.) of Oates Road and the Northeasterly right-of-way line (100' R.O.W.) of Northwest Drive, said point bears S 45° 09' 00" W, along said R.O.W. of Oates Road, a distance of 1,066.56 feet to the intersection of the Mesquite-Garland City Limit Line.

HENCE, S 45° 09' 00" E, a distance of 175.00 feet along said Oates Road R.O.W. to an iron rod set for corner;

HENCE, S 11° 57' 10" E, a distance of 150.00 feet to an iron rod set for corner;

HENCE, S 45° 09' 00" W, a distance of 175.00 feet to an iron rod set for corner, in the said Northeasterly R.O.W. of Northwest Drive;

HENCE, S 11° 57' 10" W, along said Northwest Drive R.O.W. a distance of 150.00 feet to the POINT OF BEGINNING AND CONTAINING 26,250 square feet or 0.60 acre of land, more or less.

I, Wm. L. McCown, Registered Public Surveyor, do hereby certify that the plat shown hereon represents the results of an on the ground survey made under my direction and supervision on 4-18-79, and that all corners are as shown hereon.

THERE ARE NO ENCROACHMENTS, EASEMENTS, CONFLICTS OR PROTRUSIONS APPARENT ON THE GROUND, AS SHOWN.

*Wm. L. McCown*  
Wm. L. McCown

Registered Public Surveyor No. 1719  
4-18-79

(Uniform Certification adopted by the Texas Surveyors Association)

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