

ORDINANCE NO. 1588

APPL. NO. EDE-10

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 CONDITIONAL USE IN COMMERCIAL FOR STORAGE OF HEAVY HAULING VEHICLES WITH THE STIPULATION THAT THERE SHALL BE LIVING HEDGE SCREENING CONSISTING OF LIGUSTRUM THREE FEET IN HEIGHT SPACED FOUR FEET APART ACROSS THE BACK, FRONT, AND SIDE FACING AKINS STREET; SAID PROPERTY LOCATED ON A 4.25-ACRE TRACT OF LAND NORTHEAST OF THE I-20 ACCESS ROAD AND AKINS ROAD INTERSECTION ON LOT 1 AND PART OF LOT 2, EAST DALLAS ESTATES 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 change 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 Conditional Use in Commercial for storage of heavy hauling vehicles with the stipulation that there shall be living hedge screening consisting of ligustrum three feet in height spaced four feet apart across the back, front and side facing Akins Street, said property located on a 4.25-acre tract of land Northeast of the I-20 Access Road and Akins Road intersection on Lot 1 and part of Lot 2, East Dallas Estates 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.

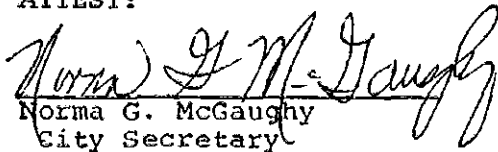
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 5th day of May, A.D., 1980.


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

ALL OF ESTATE NO. 1 AND PART OF ESTATE NO. 2 OF LAST DALLAS ESTATES, AN ADDITION TO THE CITY OF MESQUITE, TEXAS, ACCORDING TO THE FILE PLAT RECORDED VOLUME G, PAGE 62 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID ESTATE NO. 1, SAID POINT BEING THE POINT OF INTERSECTION OF THE PRESENT SOUTH LINE OF HANBY DRIVE, A 50 FOOT RIGHT-OF-WAY, AND THE PRESENT EAST LINE OF ATKINS AVENUE, A 60 FOOT RIGHT-OF-WAY AN IRON ROD FOR CORNER;

THENCE: S 88° 20' E 252.12 FEET ALONG THE SAID PRESENT SOUTH LINE OF HANBY DRIVE TO AN IRON ROD FOR CORNER;

THENCE: S 01° 44' 48" W 712.54 FEET ALONG AN EXISTING FENCE LINE TO AN IRON ROD FOR CORNER IN THE PRESENT NORTH LINE OF INTERSTATE HIGHWAY 20 (AS WIDENED);

THENCE: N 74° 49' 31" W 200.80 FEET ALONG THE SAID PRESENT NORTH LINE OF INTERSTATE HIGHWAY 20 (AS WIDENED) TO AN IRON ROD FOR CORNER IN THE SAID PRESENT EAST LINE OF ATKINS AVENUE;

THENCE: N 01° 53' E 651.53 FEET ALONG THE SAID PRESENT EAST LINE OF ATKINS AVENUE TO THE POINT OF BEGINNING AND CONTAINING 3,965 ACRES OF LAND

THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY. THERE ARE NO ENCROACHMENTS OR PROTRUSIONS. THERE ARE NO EASEMENTS.

[Handwritten Signature]
H. LOU HORNE, JR., P.E.
REGISTERED PROFESSIONAL CIVIL ENGINEER
REGISTERED PUBLIC SURVEYOR No. 2590

17 April 80
DATE



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