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ORDINANCE NO. 1589

Appl. No. 1397-17

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 A-1 MULTIFAMILY TO GENERAL RETAIL ON TRACT 1, FROM A-1 MULTIFAMILY TO PLANNED DEVELOPMENT FOR OFFICE ON TRACT 2 AND FROM SPECIAL PERMIT 921 TO PLANNED DEVELOPMENT FOR OFFICE ON TRACT 3 ON PROPERTY LOCATED SOUTH AND EAST OF THE BRYAN/BELT LINE ROAD AND BELT LINE ROAD 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 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 CUPRENT 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 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 A-1 Multifamily to General Retail on Tract 1, from A-1 Multifamily to Planned Development for Office on Tract 2 and from Special Permit 921 to Planned Development for Office on Tract 3 on property located South and East of the Bryan/Belt Line Road and Belt Line Road Intersection, City of Mesquite, Dallas County, Texas, and being more fully described 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.

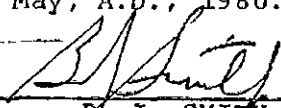
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

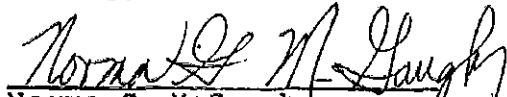
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction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

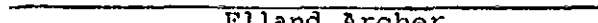
DULY PASSED AND APPROVED BY THE City Council of the City of Mesquite, Texas, on the 5th day of May, A.D., 1980.


E. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney

The land referred to in the Commitment is described as follows: TRACT 1: Being a tract of land situated in the City of Mesquite, Dallas County, Texas, out of the M. L. Swing Survey, Abstract No. 1397, and being part of a certain 4.11 acre tract conveyed to Ruth L. Hanby by Mecco Inc., et al, by Deed dated October 16, 1964, recorded in Volume 64431, page 0704 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the Northerly line of said Hanby 4.11 acre tract with the Westerly line of North Bryan Street (a 60 foot right of way) as established by Dedication Deed to the City of Mesquite, recorded in Volume 890, page 153 of the Deed Records of Dallas County, Texas;

THENCE South 23 degrees 12 minutes West with said Westerly line of North Bryan Street a distance of 262 feet to its intersection with the Northerly line of a 50 foot street as established by Dedication Deed to the City of Mesquite, recorded in Volume 890, page 153 of the Deed Records of Dallas County, Texas;

THENCE North 66 degrees 48 minutes West with the Northerly line of said 50 foot street a distance of 118.92 feet to its intersection with the Easterly line of Bryan-Belt Line Road as established by right of way Deed Recorded in Volume 74138, page 1164 of the Deed Records of Dallas County, Texas;

THENCE North 0 degree 10 minutes 20 feet West with said Easterly line of Bryan-Belt Line Road a distance of 235.47 feet to its intersection with the Northerly line of said Hanby 4.11 acre tract;

THENCE South 66 degree 48 minutes East with the Northerly line of said 4.11 acre tract a distance of 232.15 feet to the Place of BEGINNING and Containing 1.055 acres of land, more or less.

TRACT 2: Being a tract of land situated in the City of Mesquite, Dallas County, Texas, out of the M. L. SWING SURVEY, ABSTRACT NO. 1397, and being part of a certain 4.11 acre tract conveyed to Ruth L. Hanby by Mecco Inc., et al, by Deed dated October 16, 1964, recorded in Volume 64431, page 0704, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northwest corner of said Hanby 4.11 acre tract in the East line of Belt Line Road (a 100 foot right of way) as established by right of way Deed to the County of Dallas, recorded in Volume 3628, page 129 of the Deed Records of Dallas County, Texas;

THENCE South 66 degrees 48 minutes East with the Northerly line of said 4.11 acre tract a distance of 48.82 feet to its intersection with the Westerly line of Bryan-Belt Line Road as established by right of way Deed, recorded in Volume 74138, page 1164 of the Deed Records of Dallas County, Texas;

THENCE South 0 degree 10 minutes 20 seconds East with said Westerly line of Bryan-Belt Line Road a distance of 285.42 feet to its intersection with the Northerly line of a 50 foot street as established by Dedication Deed to the City of Mesquite, recorded in Volume 890, page 153 of the Deed Records of Dallas County, Texas;

THENCE North 66 degrees 48 minutes West with the Northerly line of said 50 foot street a distance of 162.05 feet to its intersection with said Easterly line of Belt Line Road;

THENCE North 23 degrees 12 minutes East with said Easterly line of Belt Line Road a distance of 262 feet to the Place of BEGINNING and Containing 0.634 acres of land, more or less.

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~~00190~~ 3: Being a tract of land situated in the City of Mesquite, Dallas County, Texas, out of the M. L. SWING SURVEY, ABSTRACT NO. 1397, and being part of a certain 4.11 acre tract conveyed to Ruth L. Hanby by Neece Inc., et al, by Deed dated October 16, 1964, recorded in Volume 64431, page 0704 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Southwest corner of said Hanby 4.11 acre tract in the Easterly line Belt Line Road (a 100 foot right of way) as established by right of way Deed to the County of Dallas, recorded in Volume 3628, page 129 of the Deed Records of Dallas County, Texas;

THENCE North 23 degrees 12 minutes East with said Easterly line of Belt Line Road a distance of 198.9 feet to its intersection with the Southerly line of a 50 foot street as established by Dedication Deed to the City of Mesquite, recorded in Volume 890, page 153 of the Deed Records of Dallas County, Texas;

THENCE South 66 degrees 48 minutes East with said Southerly line of 50 foot street a distance of 183.65 feet to its intersection with the Westerly line of Bryan-Belt Line Road as established by right of way Deed recorded in Volume 74138, page 1164 of the Deed Records of Dallas County, Texas;

THENCE South 0 degrees 10 minutes 20 seconds East with said Westerly line of Bryan-Belt Line Road a distance of 192.45 feet to the most Northerly Northeast corner of a certain tract conveyed to Mesquite Building Supply, Inc. by Deed recorded in Volume 77249, page 2960 of the Deed Records of Dallas County, Texas;

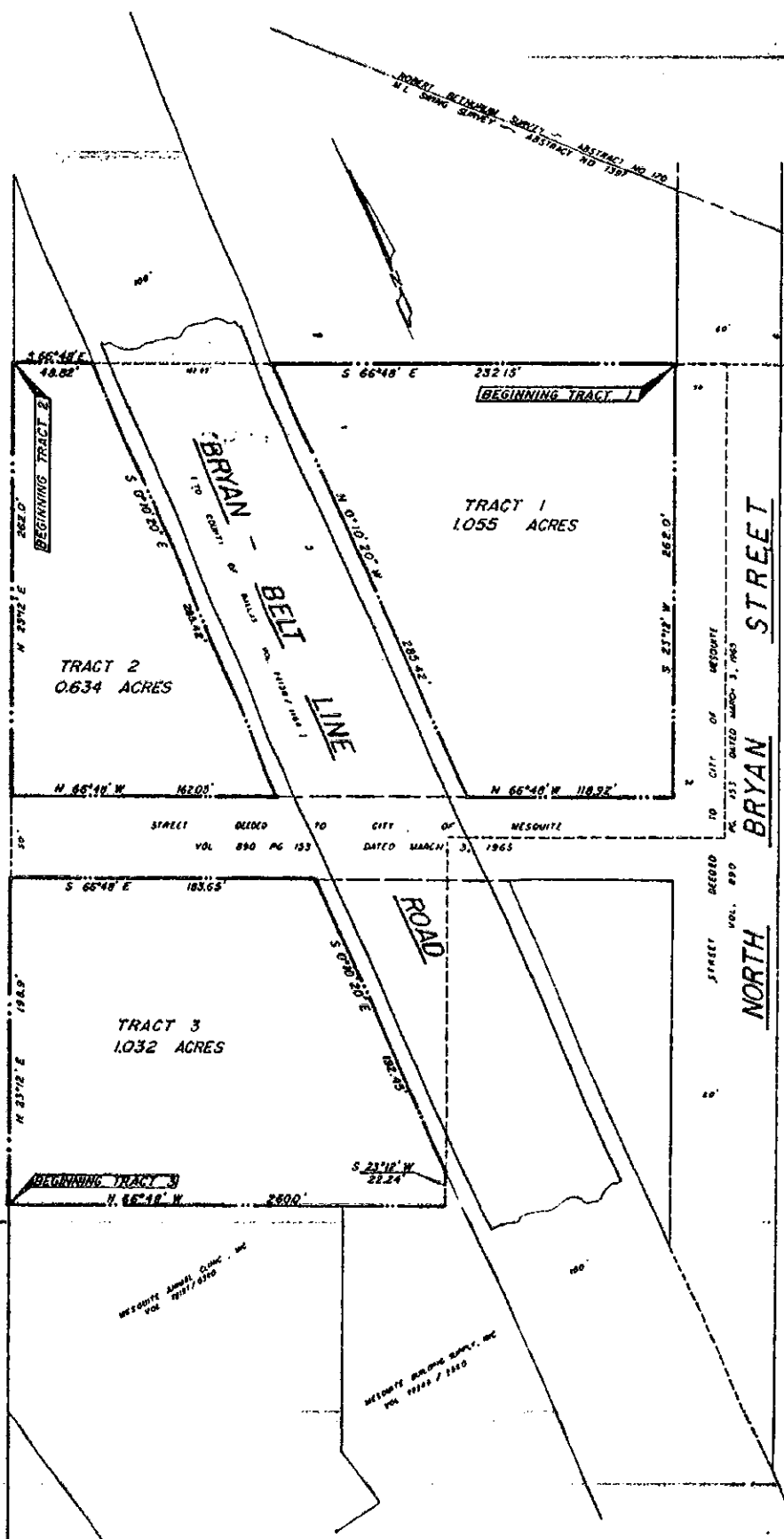
THENCE South 23 degrees 12 minutes West a distance of 22.24 feet to the Southeast corner of said Hanby 4.11 acre tract;

THENCE North 66 degrees 48 minutes West with the South line of said 4.11 acre tract a distance of 260 feet to the Place of BEGINNING and containing 1.032 acres of land more or less.

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BELT LINE ROAD

NORTH BRYAN STREET



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