

APPL. NO. 1397-18

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 AND SPECIAL PERMIT FOR A NURSING HOME TO GENERAL RETAIL ON A TRACT LOCATED NORTHWEST OF THE EBRITE STREET AND ROSABELLE DRIVE 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 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 A-1 Multifamily and Special Permit for a Nursing Home to General Retail on a tract located northwest of the Ebrite Street and Rosabelle Drive intersection, City of Mesquite, Dallas County, Texas.

00036

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

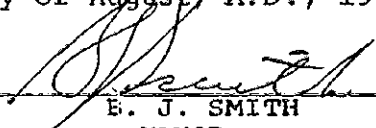
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

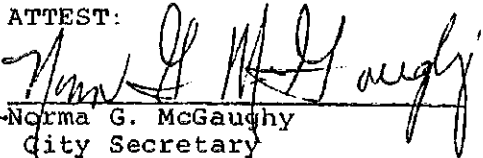
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 18th day of August A.D., 1980.



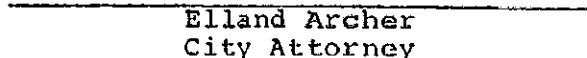
E. J. SMITH
MAYOR

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:



Elland Archer
City Attorney

00037

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property situated in the City of Mesquite, Dallas County, State of Texas, and being part of the M. L. SWING SURVEY, Abstract No. 1397, and a part of the 16.7 acre tract conveyed by O. L. Nelms to Frank Nick by deed dated August 24, 1956 and recorded in Volume 4566 at page 286 of the Deed Records of Dallas County, Texas, and corrected Deed dated August 24, 1956 and filed December 16, 1960 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the North line of Rosabelle Drive, said point being the Southwest corner of the 0.79 acre tract conveyed by T. Glenn Bellamy et ux, Mabel Bellamy, to George A. Boyce and wife, Betty J. Boyce by deed dated July 1, 1955, filed in the Deed Records of Dallas County, Texas;

THENCE North 79 degrees 21 minutes West along the North line of Rosebelle Drive a distance of 549 feet to the East line of the property conveyed by Frank Nick and wife, Virginia Nick, to the City of Mesquite by deed dated December 17, 1962 and filed in the Deed Records of Dallas County, Texas, on December 20, 1962;

THENCE North 10 degrees 39 minutes East along the East line of said City of Mesquite tract a distance of 428.7 feet to a point for corner in the North line of said Frank Nick 16.7 acre tract;

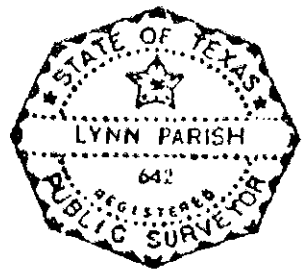
THENCE South 84 degrees 30 minutes East along the North line of said Frank Nick tract a distance of 256.45 feet to a point for corner, said point being the Northwest corner of the tract conveyed to A. P. Ketron by deed dated July 26, 1948 and recorded in Volume 3012 at page 587 of the Deed Records of Dallas County, Texas;

THENCE South 2 degrees 38 minutes East along the West line of said A. P. Ketron tract a distance of 105 feet to the Southwest corner of said Ketron tract;

THENCE South 84 degrees 30 minutes East along the South line of said Ketron tract a distance of 237 feet to a point for corner;

THENCE South 5 degrees 30 minutes West a distance of 372.3 feet to the place of BEGINNING and containing 4.90 acres of land.

This plat herein is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat, the site location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or professions.



Scale 1" = 40' W.O. No. 1470
11-23-65 Inv. No. 1432

Lynn Parish
LYNN PARISH
Registered Public Surveyor EX 1 3126
9000 Military Parkway Dallas 21, Texas

00038