

ORDINANCE NO. 1622

00047

Appl. No. 1605-4

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 PLANNED DEVELOPMENT SINGLE FAMILY 1427 TO CONDITIONAL USE IN GENERAL RETAIL FOR A DAY NURSERY ON A TRACT LOCATED 2400 FEET SOUTH OF THE NORTH GALLOWAY AVENUE AND BARNES BRIDGE ROAD INTERSECTION; DUE SOUTH OF THE INTERSECTION OF NORTH GALLOWAY AVENUE AND THE T P & L RIGHT-OF-WAY, FRONTING THE WEST SIDE OF NORTH GALLOWAY AVENUE, 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 Planned Development Single Family 1427 to Conditional Use in General Retail for a Day Nursery on a tract located 2400 feet south of the North Galloway Avenue and Barnes Bridge Road Intersection, due south of the intersection of North Galloway Avenue and the T P & L Right-Of-Way, fronting the west side of North Galloway Avenue, 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.

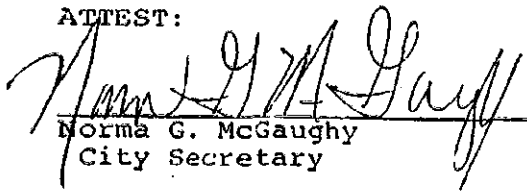
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction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

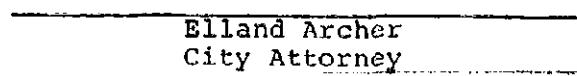
DULY PASSED AND APPROVED BY THE City Council of the City of Mesquite, Texas, on the 15th day of September, A.D., 1980.


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney

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T.P. & L. 100' R.O.W.

$589^{\circ}01'30"E \sim$

18' Alley

110.92' $32^{\circ}RCA$

Drng &
Util Esmt.
Vol. 80048, Pg 2899

1800

$S44^{\circ}16'32"E \sim 526.31'$
 $225.68'$

NORTH

GALLO

WOOD BROS. HOMES, INC.
2.537 ACRES

291-96'

$N0^{\circ}48'06"E \sim 371.99'$

COUNTRY MEADOW NO. 2

SHACKELFORD DRIVE

COUNTRY MEADOW NO. 2

1" = 100'
July 3, 1980

$N89^{\circ}11'54"W \sim 483.58'$

WILLOW GLEN

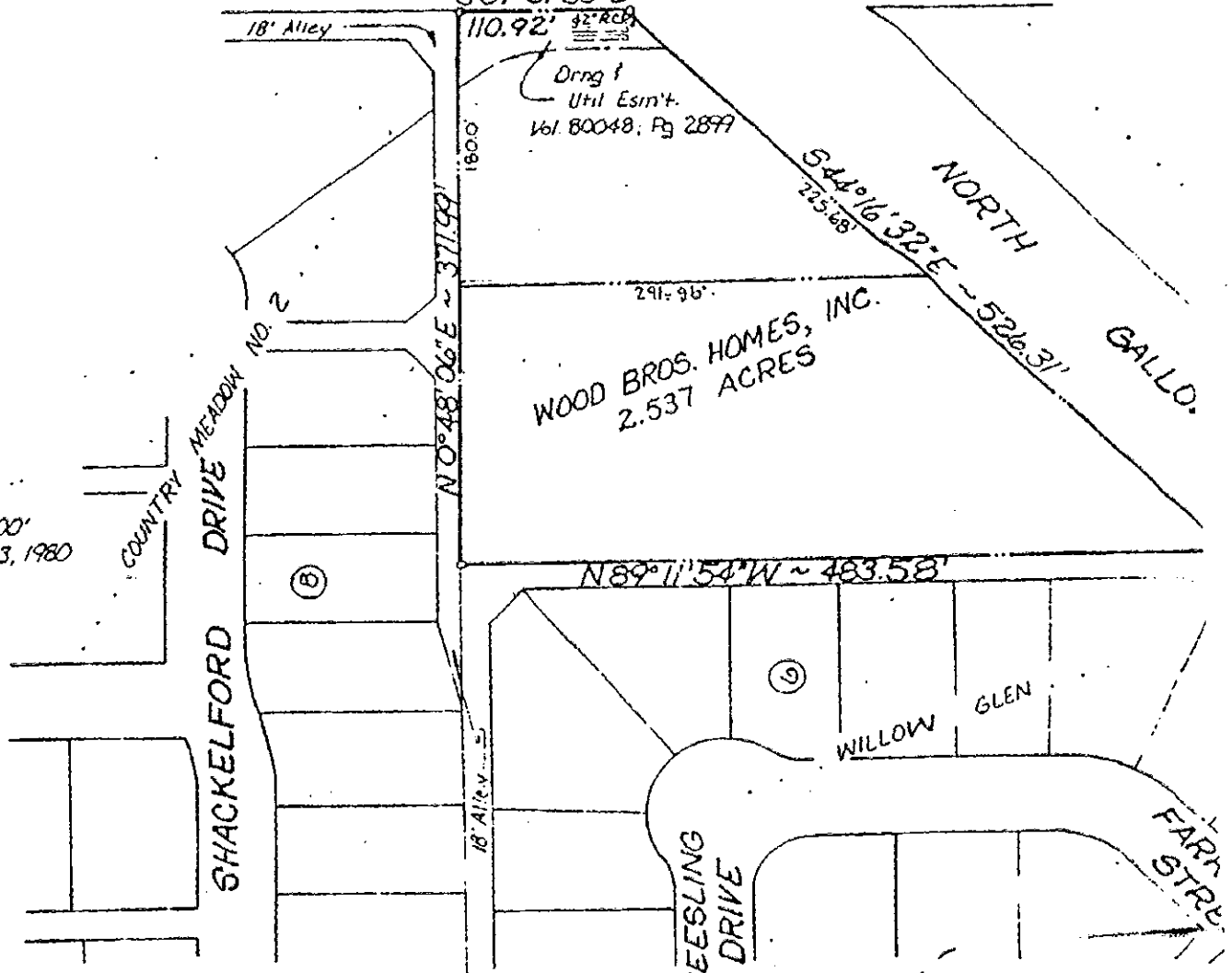
REESLING DRIVE

FARR STREET

18' Alley

(6)

(9)



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FIELD NOTES
(For a 0.8324 Acre Tract)

Being a tract of land situated in the Adaline S. Warrall Survey, Abstract No. 1605 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the Southwest line of North Galloway Avenue (100 ft. R.O.W.) said point being North $44^{\circ} 16' 32''$ West along the Southwest line of said North Galloway Avenue a distance of 1180.72 ft. from the intersection of the Northwest line of Devonshire Lane and the Southwest line of said North Galloway Avenue;

THENCE North $89^{\circ} 01' 30''$ West a distance of 291.96 ft. to a point for a corner;

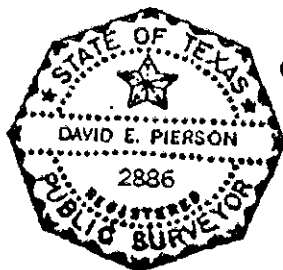
THENCE North $0^{\circ} 48' 06''$ East a distance of 180.0 ft. to a point for a corner in the South line of the Texas Power & Light Company Easement (100 ft. R.O.W.);

THENCE South $89^{\circ} 01' 30''$ East along the South line of said Texas Power & Light Company Easement for a distance of 110.92 ft. to a point for a corner in the Southwest line of said North Galloway Avenue;

THENCE South $44^{\circ} 16' 32''$ East along the Southwest line of said North Galloway Avenue for a distance of 255.68 ft. to the Point of Beginning and containing 0.8324 Acres (36,259 sq. ft.) of land.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS.



David E. Pierson

David E. Pierson
Registered Public Surveyor