

ORDINANCE NO. 1644

00175

Appl. No. 1462-124

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 R-3 SINGLE FAMILY TO GENERAL RETAIL AND OFFICE ON A TRACT LOCATED SOUTH-EAST OF THE TOWN EAST BOULEVARD AND BAKER STREET 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 R-3 Single Family to General Retail and Office on a tract located Southeast of the Town East Boulevard and Baker Street 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.

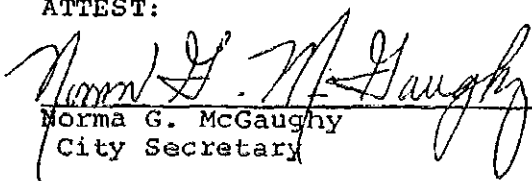
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 20th day of October, A.D., 1980.

  
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E. J. SMITH  
MAYOR

ATTEST:

  
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Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

## DESCRIPTION

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October 9, 1980

Tract 1- R-3 to General Retail

Being a tract of land out of the DANIEL TANNER SURVEY, ABSTRACT NO. 1462 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the Southeast line of Town East Boulevard (a 100 foot Right-of-Way) with the Northeast line of Baker Drive (a 60 foot Right-of-Way);

THENCE South  $45^{\circ}$  East 400 feet along said Northeast line of Baker Drive, a point for corner;

THENCE North  $45^{\circ}$  East 300 feet to a point for corner;

THENCE North  $45^{\circ}$  West 399.06 feet to a point in the Southeast line of Town East Boulevard a curve to the left having a central angle of  $0^{\circ} 50' 27''$  a radius of 4702.55 feet and a tangent length of 34.49 feet;

THENCE along said curve in a Southwesterly direction and along the Southeast line of Town East Boulevard 68.98 feet;

THENCE South  $45^{\circ}$  West along the Southeast line of Town East Boulevard 231.02 feet to the PLACE OF BEGINNING and containing 119.988 square feet or 2.7545 acres of land, more or less.

Tract 2-R-3 to Office

Being a tract of land out of the DANIEL TANNER SURVEY, ABSTRACT NO. 1462 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the Southeast line of Town East Boulevard (a 100 foot Right-of-Way) with the Northeast line of Baker Drive (a 60 foot Right-of-Way);

THENCE South  $45^{\circ}$  East 400 feet along said Northeast line of Baker Drive, to the PLACE OF BEGINNING;

THENCE South  $45^{\circ}$  East 306 feet along said Northeast line of Baker Drive, to an iron rod for corner;

THENCE North  $45^{\circ}$  East 300 feet to an iron rod for corner;

THENCE North  $45^{\circ}$  West 306 feet to a point for corner;

THENCE South  $45^{\circ}$  West 300 feet to the PLACE OF BEGINNING and containing 91,800 square feet or 2.1074 acres of land, more or less.

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