

ORDINANCE NO. 1648

Appl. No. 545-14

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 FOR A CONDITIONAL USE IN COMMERCIAL ALLOWING INDOOR AND OUTDOOR RECREATION FOR A MINIATURE GOLF COURSE AND GAMEROOM ON A TRACT LOCATED 460 FEET NORTHWEST OF OATES DRIVE FRONTING THE WEST SIDE OF GUS THOMASSON ROAD, 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 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 here

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, 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 for a Conditional Use in Commercial allowing indoor and outdoor recreation for a miniature golf course and gameroom on a tract located 460 feet northwest of Oates Drive fronting the west side of Gus Thomasson Road, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto and made a part of this ordinance.

00188

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.

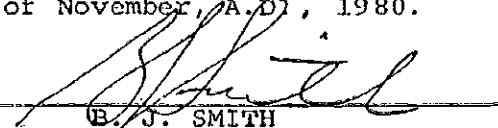
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

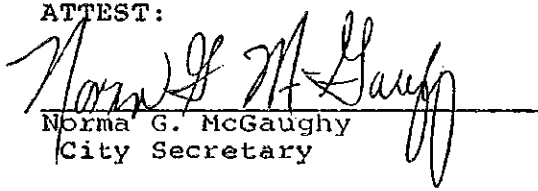
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 3rd day of November, A.D., 1980.


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

Legal Description as follows:

FIELD NOTES

Being a survey of 1.57 Acres of land in the John Hardin Survey, Abstract No. 545, Dallas County, Texas and being in the City of Mesquite, and being the tract conveyed by Don H. McLeland to Gordon and Smith Enterprises, Inc., by Deed recorded in Volume 76007, Page 1261 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at a point in the Southwest line of Gus Thomasson Road (120 ft wide) that is 440.00 ft North $44^{\circ} 51'$ West from the point of intersection of said Gus Thomasson Road with the Northwest line of Oates Drive (100 ft wide);

THENCE South $45^{\circ} 09'$ West 159.01 ft to a point for corner;

THENCE South $44^{\circ} 51'$ East 112.26 ft to a point for corner;

THENCE South $51^{\circ} 31'$ West 50.31 ft to a point for corner;

THENCE South $45^{\circ} 09'$ West 142.67 ft to a point in a Northeasterly line of Lot 1, Block 21, Casa View Heights No. 15 Addition, Revised;

THENCE North $42^{\circ} 03'$ West along a Northeasterly line of said Lot 1, a distance of 246.97 ft to a point for corner;

THENCE North $45^{\circ} 09'$ East along a Southeasterly line of said Lot 1, a distance of 339.62 ft to a point for corner in the said Southwesterly line of Gus Thomasson Road;

THENCE South $44^{\circ} 51'$ East a distance of 140.00 ft to the point of beginning and containing 1.57 Acres of land.

00190