

ORDINANCE NO. 1680

Appl. No. 337-7

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 GENERAL RETAIL TO SERVICE STATION ON A TRACT LOCATED NORTHEAST OF THE INTERSECTION OF U.S. HIGHWAY 80 AND BELTLINE 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 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 General Retail to Service Station on the tract located Northeast of the intersection of U.S. Highway 80 and Beltline Road, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 or 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.

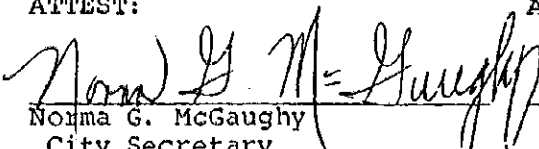
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 6th day of April, A.D., 1981.


B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

FIELD NOTES: 2.8452 ACRES OF LAND.

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TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

THIS IS TO CERTIFY THAT THIS DATE UNDER MY PERSONAL SUPERVISION A CAREFUL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE FOLLOWING DESCRIBED PROPERTY:

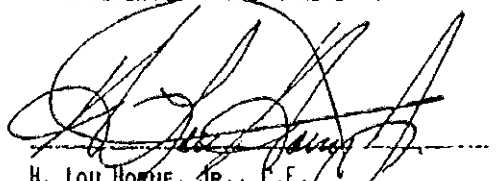
ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND LYING AND BEING SITUATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS:

BEING A PART OF THE SOLOMON W. CALDWELL SURVEY, ABSTRACT NO. 337, AND PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO FRANK C. SLAY, JR., BY DEED FILED 11-20-72 AND RECORDED IN THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY POINT OF INTERSECTION OF THE PRESENT NORTH LINE OF U.S. HIGHWAY 80, AS WIDENED, A VARIABLE WIDTH RIGHT-OF-WAY, AND THE PRESENT LAST LINE OF BELT LINE ROAD, AS WIDENED, A 100 FOOT RIGHT-OF-WAY, POINT BEING THE SOUTHEAST CORNER OF THAT CERTAIN 1.118 ACRE TRACT CONVEYED TO THE COUNTY OF DALLAS BY FRANK C. SLAY BY DEED RECORDED IN VOLUME 3685, PAGE 515, OF THE SAID DEED RECORDS, A WOOD RIGHT-OF-WAY MONUMENT FOR CORNER:

THENCE N 01° 26' E 205.00 FEET ALONG THE SAID PRESENT LAST LINE OF BELT LINE ROAD, AS WIDENED, TO AN IRON ROD FOR CORNER;
THENCE S 88° 44' E 336.02 FEET TO AN IRON ROD FOR CORNER,
THENCE S 01° 26' W 411.44 FEET TO AN IRON ROD FOR CORNER IN THE SAID PRESENT NORTH LINE OF U.S. HIGHWAY 80;
THENCE ALONG THE SAID PRESENT NORTH LINE OF U.S. HIGHWAY 80 THE FOLLOWING:
N 77° 14' E 263.00 FEET TO AN ANGLE POINT AT A VISIBILITY CLIP;
N 37° 56' 30" W 123.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.8447 ACRES (123,415.08 SQUARE FEET) OF LAND.

THE PLAY HEREON IS A TRUE, CORRECT, AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY. THERE ARE NO ENCROACHMENTS OR PROTRUSIONS. SUBJECT TO EASEMENTS AS SHOWN HEREON.


H. LOU HORNE, JR., P.E.
REGISTERED PROFESSIONAL CIVIL ENGINEER
REGISTERED PUBLIC SURVEYOR No. 2390

16 March 81
DATE



GENERAL NOTES:

1. EXISTING ZONING: SERVICE STATION.
2. POWER IS SUPPLIED BY TEXAS POWER & LIGHT CO., 124 WEST DAVIS ST., 214-288-5411
3. WATER IS SUPPLIED BY THE CITY OF MESQUITE, 711 N. GALLOWAY ST., 214-288-7711
4. GAS IS SUPPLIED BY LONE STAR GAS CO., 200 W KEARNEY ST., 214-285-6342.
5. TELEPHONE SERVICE IS SUPPLIED BY SOUTHWESTERN BELL TELEPHONE SERVICE CO. LINES ARE LOCATED AS SHOWN. 308 SOUTH AKARD.
6. ONE T.P. & L. ANCHOR EASEMENT LOCATED 200 FEET NORTH OF THE NORTH CORNER OF THE VISIBILITY CLIP AND EXTENDING 3 FEET EAST RECORDED IN VOLUME 72025, PAGE 1497.
7. CITY OF MESQUITE REQUESTS A 30' SANITARY SEWER EASEMENT.
8. TEMPORARY LEAN TO SHEDS AND CORRALS ALONG SOUTH PROPERTY LINE FOR HORSES STAPLED ON THE TRACT.