

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 BY AMENDING SPECIAL PERMIT 989 TO ALLOW A DISTRIBUTION CENTER FOR SMALL AUTO RELATED PARTS ONLY ON A TRACT LOCATED APPROXIMATELY 450 FEET NORTH OF PICADILLY BOULEVARD AND PEACHTREE ROAD INTERSECTION, FRONTING THE WEST SIDE OF PEACHTREE ROAD AND HAVING A DEPTH OF 200 FEET, 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 by amending Special Permit 989 to allow a distribution center for small auto related parts only on a tract located approximately 450 feet north of the Picadilly Boulevard and Peachtree Road Intersection, fronting the west side of Peachtree Road and having a depth of 200 feet, City of Mesquite, Dallas County Texas.

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.

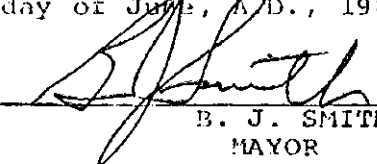
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

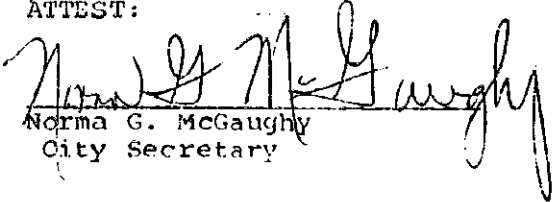
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 15th day of June, A.D., 1981.


 B. J. SMITH
 MAYOR

ATTEST:


 Norma G. McGaughy
 City Secretary

APPROVED AS TO FORM:

 Elland Archer
 City Attorney

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BEING a tract of land situated in the J. W. Hatford Survey, Abstract No. 589 and Daniel Tanner Survey Abstract No. 1462, City of Mesquite Dallas County Texas and further being part of a 100 acre tract of land as conveyed to Mrs. Margaret Schuster Marshall, Schuyler B. Marshall III, and Charles Bost Marshall, by deed recorded in Volume 1771 at page 629 of the Deed Records of Dallas County, Texas, and being more particularly described as follows.

BEGINNING at a point in the West line of Peachtree Road (a 60 foot Right-of-Way) said point being the Northeast corner of a tract of land as conveyed to Leo P. Sharp by deed dated October 30, 1963, said point further being the Southeast corner of said Marshall Tract and being North 0° 17' West, a distance of 433.36 feet from the Northwest corner of Picadilly Boulevard and Peachtree Road, a concrete monument set for corner.

THENCE North 89° 30' West, along the North line of said Leo P. Sharp tract and the South line of said Marshall Tract a distance of 207.85 feet to an iron stake found for corner

THENCE North 0° 45' West leaving the said South line of said Marshall tract a distance of 161.74 feet to an iron stake found for corner

THENCE South 89° 35' East, a distance of 205.00 feet to a point on the said West line of Peachtree Road

THENCE South 0° 45' East along the said West line of Peachtree Road a distance of 20.30 feet to a concrete monument set for angle point:

THENCE South 0° 17' East continuing along said West line of Peachtree Road a distance of 141.72 feet to the Place of Beginning and containing 0.760 acres of land

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