

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 AT THE SOUTHEAST CORNER OF THE NORTH GALLOWAY AVENUE AND TOWN EAST BOULEVARD 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 DOLLARS (\$200.00) 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 a tract located at the southeast corner of the North Galloway Avenue and Town East Boulevard Intersection, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

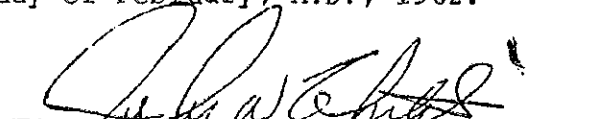
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

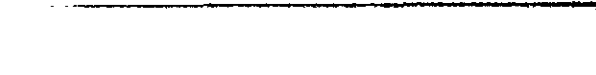
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of February, A.D., 1982.


 JOHN CHILDS
 MAYOR PRO TEM

ATTEST:


 Norma G. McGaughy
 City Secretary

APPROVED AS TO FORM:


 Elland Archer
 City Attorney

FIELD NOTES

WHEREAS, Galloway Plaza Joint Venture, is the owner of a tract of land situated in the J. A. Coats Survey, Abstract No. 339, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the intersection of East line of Galloway Avenue (100 ft. R.O.W.) with the Southeast line of Town East Boulevard (80 ft. R.O.W.):

TENCE along said Southeast line of Town East Boulevard, also along a circular curve to the left having a central angle of $6^{\circ} 02' 24''$, a radius of 1472.70', a beginning tangent bearing of North $63^{\circ} 08' 54''$ East, a tangent length of 77.70', and an arc length of 155.25' to the Point of Tangency:

THENCE North $57^{\circ} 06' 30''$ East continuing along said Southeast line of Town East Boulevard a distance of 55.75' to a point for corner;

THENCE South $0^{\circ} 43' 28''$ West leaving said Southeast line of Town East Boulevard, a distance of 214.85' to a point for corner;

THENCE North $89^{\circ} 16' 32''$ West, a distance of 180.00' to a point in the said East line of Galloway Avenue for a corner;

THENCE North $0^{\circ} 43' 28''$ East along said East line of Galloway Avenue, a distance of 105.00' to the Point of Beginning and containing 0.6508 acres (28,347 Sq. Ft.) of land.

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