

ORDINANCE NO. 1787
File No. 342-10

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 COMMERCIAL ON A TRACT LOCATED 250 FEET WEST OF THE CARMACK STREET AND MILITARY PARKWAY 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 R-3 Single Family to Commercial on a tract located 250 feet west of the Carmack Street and Military Parkway 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

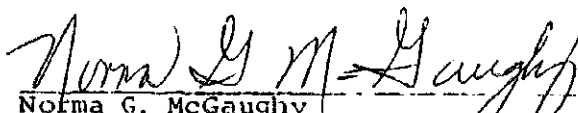
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 17th day of May, A.D., 1982.


LEN GIBBENS
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

WHEREAS, METRO EAST DEVELOPMENT CORPORATION, is the owner of a tract of land situated in Dallas County, Texas, out of the D. S. CARVER SURVEY, ABSTRACT NO. 342 and being part of 12.87 acre tract of land conveyed to W. W. Lindsey by deed, dated July 14, 1932 and recorded in Volume 1813, Page 410, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point which is $S 9^{\circ} 37' 21'' W$, 35.55 feet from the Southwest corner of said 12.87 acre tract, said point being on a projection of the East line of a tract of land conveyed to Lawrence E. Lindsey by deed, dated December 6, 1952 and recorded in Volume 4398, Page 441, Deed Records of Dallas County, Texas;

THENCE: $N 9^{\circ} 37' 21'' E$, along the East line of said Lawrence E. Lindsey tract, a distance of 494.68 feet to a point for corner in the South line of Military Parkway;

THENCE: $S 86^{\circ} 56' E$, along the South line of Military Parkway a distance of 643.73 feet to a point for corner, said point being the West line of a tract of land conveyed to C. G. Miller by deed, dated February 25, 1949 and recorded in Volume 3463, Page 351, Deed Records of Dallas County, Texas;

THENCE: $S 0^{\circ} 29' E$, along the West line of said Miller and W. L. Wyatt tract, a distance of 292.13 feet to a point for corner in the North line of a tract of land conveyed to W. E. Shephard;

THENCE: $S 89^{\circ} 31' W$, a distance of 403.62 feet to a point for corner, said point being the Northwest corner of a tract of land conveyed to Harry H. Neel by deed, dated May 31, 1969 and recorded in Volume 69131, Page 0724, Deed Records of Dallas County, Texas;

THENCE: $S 18^{\circ} 32' 33'' W$, along the West line of said Neel tract, a distance of 126.93 feet to a point for angle;

THENCE: $S 0^{\circ} 29' E$, 35.00 feet to a point for corner in the North line of West College Avenue;

THENCE: $S 89^{\circ} 31' W$, along the North line of West College Avenue a distance of 284.30 feet to the PLACE OF BEGINNING and containing 5.85 acres of land.

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