

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 SOUTH AND WEST OF THE NORTH GALLOWAY AVENUE AND US 80 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 South and West of the North Galloway Avenue and US 80 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

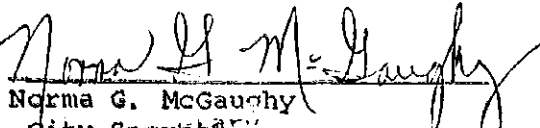
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 4th day of October, A.D., 1982.


LEN GIBBENS
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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FIELD NOTES

A tract of land situated in the City of Mesquite, Dallas County, Texas, out of the DANIEL TANNER SURVEY, ABSTRACT NO. 1462, and being part of a certain 0.70 acre tract conveyed to Inez Hopkins, a widow, by Deed dated 1-15-60, filed 1-20-60, Volume 5264, Page 652 of the Deed Records of Dallas County, Texas, and also being part of a certain 20 acre tract conveyed to Inez Hopkins, a widow by Deed dated 3-14-47, filed 10-19-48, Volume 3047, Page 319 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a point in the Southwest line of North Galloway Avenue, 20 feet South $44^{\circ}48'$ West from the East corner of said Inez Hopkins 20 acre tract, said point also being the North corner of Block 53 of Northridge Estates No. 4, an Addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 29, Page 161 of the Map Records of Dallas County, Texas; THENCE North $45^{\circ}48' 13''$ West with the Southwest line of North Galloway Avenue, 232 feet to a P. K. nail the point of BEGINNING:

THENCE South $44^{\circ}11' 47''$ West 161 feet to a $\frac{1}{2}$ inch rod for corner;

THENCE North $44^{\circ}12' 42''$ West 199.14 feet to a $\frac{1}{2}$ inch rod for corner;

THENCE North $03^{\circ}32' 56''$ West 76 feet to an "X" cut in concrete in the South right of way line of U.S. Highway 80 (Interstate Highway 20);

THENCE North $86^{\circ}27' 04''$ East with the South right of way line of said Highway, 141 feet to a brass monument at its intersection with the Southwest right of way line of North Galloway Avenue;

THENCE South $45^{\circ}48' 13''$ East with the Southwest line of North Galloway Avenue. 160.50 feet to the place of BEGINNING and containing 33,858.60 square feet of land, more or less.

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