

ORDINANCE NO. 1845
File No. 1095-18

00141

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 PLANNED DEVELOPMENT COMMERCIAL AND R-2 TO COMMERCIAL ON A TRACT LOCATED NORTH AND EAST OF THE GUS THOMASSON ROAD AND I-635 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 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 Planned Development Commercial and R-2 to Commercial on a tract located north and east of the Gus Thomasson Road and I-635 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

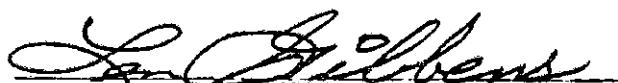
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

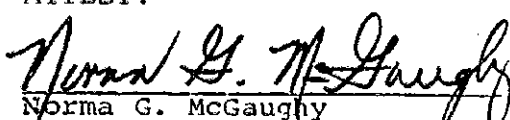
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 20th day of December, A.D., 1982.


LEN GIBBENS
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 John T. Nelms Survey, Abstract Number 1095, and the Daniel Tanner Survey, Abstract Number 1462, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point, said point being the northeast corner of the intersection of Interstate Highway 635 right-of-way with the north right-of-way of Gus Thomasson Road,

THENCE, N $7^{\circ}26'12''$ W, 171.28 feet along the Highway's east right-of-way line to a point for corner,

THENCE, continuing along the Highway's east line, N $29^{\circ}26'44''$ W, a distance of 361.39 feet to a point for corner,

THENCE, N $20^{\circ}43'34''$ W along the right-of-way line a distance of 126.0 feet to a point for corner,

THENCE, S $89^{\circ}57'01''$ E and leaving the highway right-of-way a distance of 425.0 feet to a point for corner,

THENCE, N $0^{\circ}02'59''$ E, crossing the common line between the Nelms and Tanner Surveys, a distance of 425.0 feet to a point for corner,

THENCE, S $89^{\circ}57'01''$ E, a distance of 1362.57 feet to a point for corner, said point being in the northwest line of a Dallas Power and Light Company right-of-way,

THENCE, S $45^{\circ}00'42''$ W along the northwest line of the power line right-of-way a distance of 1548.44 feet to a point for corner, said point being in the northeast right-of-way of Gus Thomasson Road,

THENCE, N $45^{\circ}22'41''$ W along Gus Thomasson Road right-of-way a distance of 194.77 feet to a point for corner,

THENCE, S $44^{\circ}37'19''$ W continuing along the right-of-way line a distance of 54.43 feet to a point for corner,

THENCE, along a curve to the left in the right-of-way having a tangent of 94.11 feet, a central angle of $29^{\circ}05'32''$, and a radius of 362.7 feet, a distance of 184.16 feet to a point for corner,

THENCE, S $74^{\circ}12'48''$ W continuing along the right-of-way of Gus Thomasson a distance of 92.87 feet to the place of beginning and containing more or less 23.1889 acres of land.

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