

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 PLANNED DEVELOPMENT LIGHT COMMERCIAL ON A TRACT LOCATED 180 FEET WEST OF GUS THOMASSON ROAD BETWEEN OATES DRIVE AND MOON DRIVE; 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 General Retail to Planned Development Light Commercial on a tract located 180 feet west of Gus Thomasson Road between Oates Drive and Moon Drive; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 11th day of July, A.D., 1983.

  
MRS. BRUNHILDE NYSTRÖM  
MAYOR

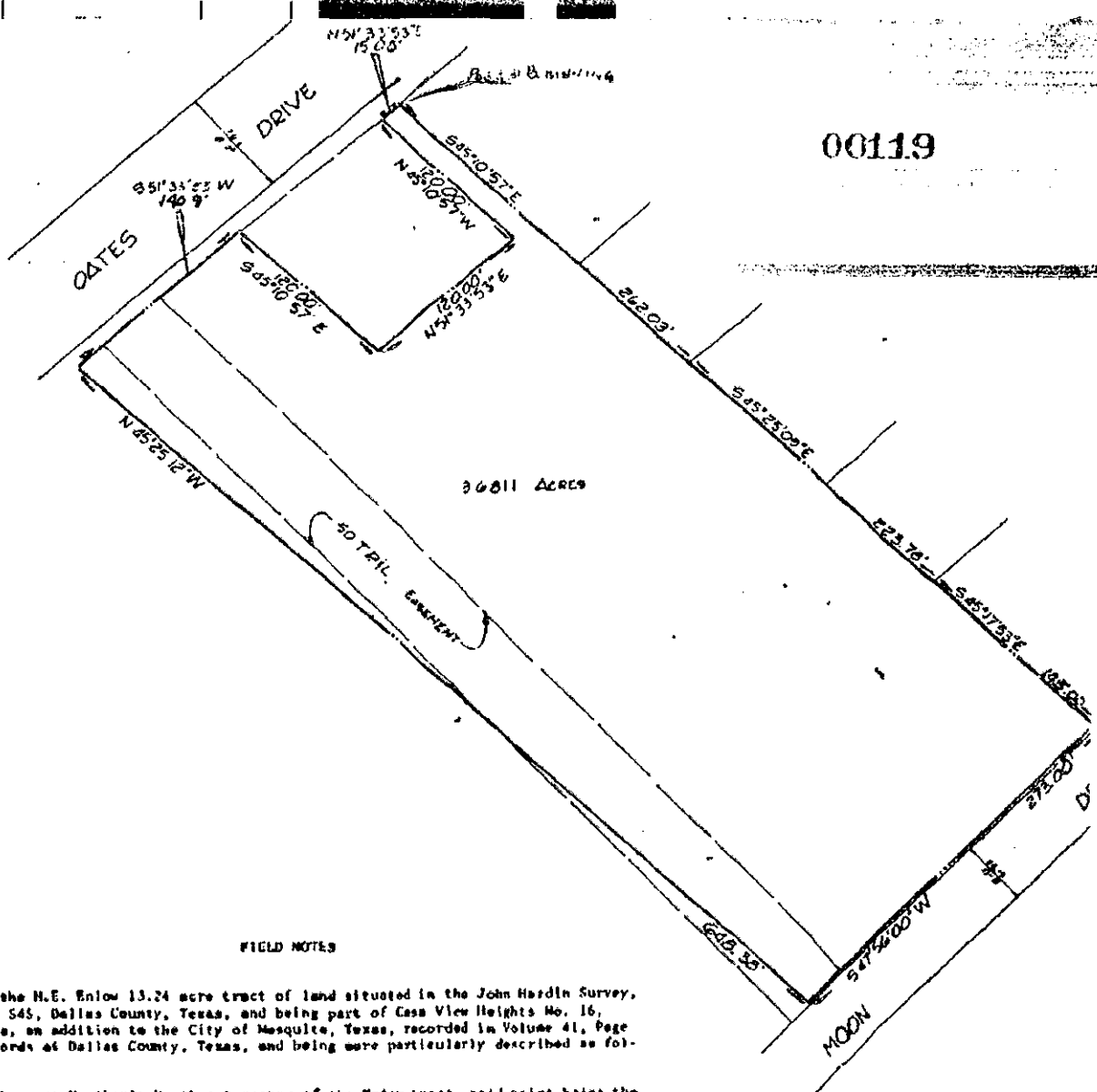
ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

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3.6811 Acres

FIELD NOTES

Being part of the N.E. Enlow 13.24 acre tract of land situated in the John Hardin Survey, Abstract No. 545, Dallas County, Texas, and being part of Casa View Heights No. 16, Shopping Area, an addition to the City of Mesquite, Texas, recorded in Volume 41, Page 219, Map Records at Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at the most Northernly Northwest corner of the Enlow tract, said point being the Southwest corne. of the Barbo Realty, Inc. tract and being in the Southeast line of Oates Drive;

**THENCE** South 45° 10' 57" East, a distance of 262.03 feet to an iron rod for a corner;

**THENCE** South 45° 23' 09" East, a distance of 223.78 feet to an iron rod for a corner;

**THENCE** South 45° 17' 53" East, a distance of 145.70 feet to an iron rod for a corner;

**THENCE** South 47° 56' 00" West, a distance of 273.00 feet to an iron rod for a corner;

**THENCE** North 45° 25' 12" West, a distance of 648.38 feet to an iron rod for a corner;

**THENCE** North 51° 33' 53" East, a distance of 140.79 feet along the Southeast line of Oates Drive to an iron rod for a corner;

**THENCE** South 45° 10' 57" East, a distance of 120.00 feet to an iron rod for a corner;

**THENCE** North 51° 33' 53" East, a distance of 120.00 feet to an iron rod for a corner;

**THENCE** North 45° 10' 57" West, a distance of 120.00 feet to an iron rod for a corner;

**THENCE** North 51° 33' 53" East, a distance of 15.08 feet along the Southeast line of Oates Drive to the POINT OF BEGINNING and containing 3.6811 acres (160,347 sq.ft.) of land.

To any person, firm or corporation relying upon the accuracy of this survey or plat, I, Robert F. Acroy, Registered Public Surveyor, State of Texas, do certify that this plat represents measurements performed upon the ground under my supervision, and indicates all of such lines, easements, and fences as they are visible on the ground, and that all improvements, if any, are wholly within the boundary lines of the property, and that there are no encroachments, conflicts, protrusions, or overlapping of improvements except as shown hereon. This is a true and correct survey.

*Robert F. Acroy*  
 Registered Public Surveyor No. 1296  
 State of Texas



4-21-83

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