

ORDINANCE NO. 1918
File No. 1392-6

00173

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 SERVICE STATION TO GENERAL RETAIL ON A TRACT LOCATED AT THE SOUTHEAST CORNER OF BRUTON ROAD AND HICKORY TREE ROAD; CITY OF MESQUITE, DALLAS COUNTY TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART 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 Service Station to General Retail on a tract located at the southeast corner of Bruton Road and Hickory Tree Road; City of Mesquite, Dallas County Texas, and being more fully described in exhibit "A" attached hereto.

00174

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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

Mrs. Brunhilde Nyström
MRS. BRUNHILDE NYSTROM
MAYOR

ATTEST:

Norma G. McGaughy
Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
Elland Archer
City Attorney

00175

PROPERTY DESCRIPTION

BEING all of that certain lot, tract or parcel of land situated in the M. L. SWING SURVEY, A-1392, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod at the present intersection of the south ROW line of Bruton Road (a 100' ROW) with the east ROW line of Hickory Tree Road (a 70' ROW):

THENCE S 89°44'00" E, 150.00' with the south line of Bruton Road to a 3/4" iron rod for corner;

THENCE S 00°08'00" E, 150.00' to a 1/2" iron rod at the northeast corner of the H. M. Ackerly 0.38 acre tract of land;

THENCE N 89°44'00" W, 150.00' with the north line of the Ackerly tract to a 5/8" iron rod for corner in the east line of Hickory Tree Road;

THENCE N 00°08'00" W, 150.00' with the east line of Hickory Tree Road to the place of beginning and containing 22,499.45 square feet or 0.5165 acres of land.

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

The undersigned does hereby certify that this survey was this day made on the ground of the property described hereon and is correct and that the size, location and type of buildings and improvements are as shown hereon and set back from the property lines the distances indicated and that there are no discrepancies, conflicts, boundary line conflicts, encroachments or overlapping of improvements onto adjoining property, encroachments or overlapping of improvements from adjoining property onto subject property, party walls, protrusions, fences, evidence of abandoned fences, ponds, creeks, streams, or rivers, except as shown hereon, and that all visible easements and rights of way, or easements and rights of way which have been made known to me are as shown hereon, and that said property has access to and from a dedicated roadway. As of the date of this survey, this property does not lie within any known designated flood plain or flood hazard area. The area of the property shown on this plat is correct.


REGISTERED PUBLIC SURVEYOR NO. 1625



File 1392

00176