

ORDINANCE NO. 1920
File No. 1461-78A

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 SPECIAL PERMIT FOR A MOTEL AND RESTAURANT TO PLANNED DEVELOPMENT FOR A NURSING, CONVALESCENT AND GROUP HOME. THE TRACT IS LOCATED GENERALLY NORTH AND EAST OF I-30 AND NORTHWEST HIGHWAY; 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 Special Permit for a motel and restaurant to Planned Development for a nursing, convalescent and group home. The tract is located generally north and east of I-30 and Northwest Highway; 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.

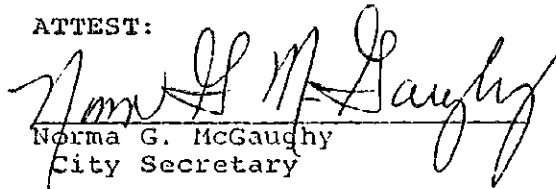
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 15th day of August, A.D., 1983.


MRS. BRUNHILDE NYSTROM
MAYOR

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

EXHIBIT "A"

BEING a tract or parcel of land lying in the Theophilus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being out of the C. C. Oates 393.66 acre original tract as recorded in Volume 666, Page 335, Deed Records, Dallas County, Texas, said tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Northerly line of Interstate Highway 30 (U. S. Highway 67) a variable width right-of-way said Beginning Point being 200.0 feet along said right-of-way line in an Easterly direction from the Easterly right-of-way line of Northwest Drive a 100.0 foot wide right-of-way;

THENCE North 30 degrees 35 minutes West along the Easterly line of a 0.92 acre tract owned by Chuck Atkinson, a distance of 202.55 feet to a point for corner;

THENCE South 59 degrees 25 minutes West along the Northerly line of said 0.92 acre tract a distance of 200.0 feet to a point in the said Easterly right-of-way line of Northwest Drive being point for corner;

THENCE North 30 degrees 35 minutes West along the said Easterly right-of-way line of Northwest Drive a distance of 50.57 feet to a point for curve to the left and continuing along said curve having a central angle of 07 degrees 16 minutes 26 seconds a tangent of 62.30 a radius of 980.21 feet and an arc length of 124.44 feet to a point for corner;

THENCE North 64 degrees 15 minutes East along the Southerly line of Christian Care Center, Second Section Addition, as recorded in Volume 75064, Page 0001 Map Records, Dallas County, Texas, at 335.76 feet the Southeast corner of said addition and continuing North 64 degrees 15 minutes East along the Southerly line of Christian Care Center Addition Revised as recorded in Volume 72110 Page 1328, Map Records, Dallas County, Texas, a total distance of 885.76 feet to a point in the Westerly line of the Mesquite Municipal Golf Course being point for corner;

THENCE South 25 degrees 45 minutes East along said Westerly line of the Municipal Golf Course a distance of 335.30 feet to a point in the said Northerly right-of-way line of I. H. 30 being point for corner;

THENCE along a curve to the left and along said Northerly right-of-way line of I. H. 30 said curve having a central angle of 03 degrees 09 minutes a tangent of 323.74 feet a radius of 11,773.93 a chord being of South 62 degrees 12 minutes 29 seconds West a chord length of 647.24 feet and an arc length of 647.32 feet to the PLACE OF BEGINNING and CONTAINING 261,285.18 square feet or 5.998 acres of land.

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