

00105

ORDINANCE NO. 1961
File No. 1462-155

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 R-3 TO PLANNED DEVELOPMENT COMMERCIAL ON A TRACT LOCATED SOUTH AND WEST 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 R-3 To Planned Development Commercial on a Tract located South and West 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.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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

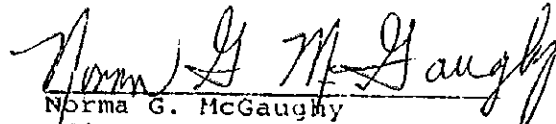
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 7th of November, A.D., 1983.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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METES AND BOUNDS DESCRIPTION
FOR A 9.494 ACRE TRACT
OUT OF THE DANIEL TANNER SURVEY, A-1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

Being 9.494 acre tract of land out of the 24.22 acre tract of land conveyed to Annie G. Riggs by deed recorded in Volume 4190, Page 301 of the Dallas County Deed Records, said tract also being located in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a point on the southwesterly line of Gus Thomasson Road, said point being the northwest corner of a 72.22 acre tract conveyed to J.B. Galloway, Annie Riggs and Florence Galloway Jackson, as recorded in Volume 3776, Page 270 of the Dallas County Deed Records;

THENCE, S 44° 35' 24" W, a distance of 905.25 feet to a 1/2 inch iron pin, said iron pin being the POINT OF BEGINNING of the herein described tract of land;

THENCE, S 04° 09' 13" E, along the southwest right-of-way line of Interstate Highway 635 (variable width), 50.11 feet to a concrete monument;

THENCE, S 23° 25' 52" E, continuing along the southwest line of Interstate Highway 635, 365.55 feet to a concrete monument;

THENCE, S 07° 35' 06" E, continuing along the southwest line of Interstate Highway 635, 278.00 feet to a 1/2 inch iron pin;

THENCE, S 44° 43' 04" W, along the northwest line of a Dallas Power & Light Company right-of-way, 507.92 feet to a 1/2 inch iron pin;

THENCE, N 44° 25' 38" W, a distance of 54.04 feet to a 1/2 inch iron pin;

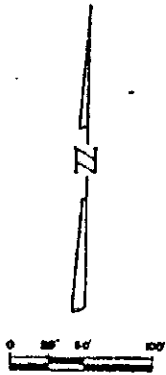
THENCE, N 45° 16' 12" W, along the remains of a fence a distance of 541.08 feet to a 1/2 inch iron pin;

THENCE, N 44° 35' 24" E, a distance of 846.01 feet to the POINT OF BEGINNING and containing 9.494 acres of land, more or less.

DANNENBAUM ENGINEERING CORPORATION
Consulting Engineers

RP:gs
1319-08

00168



POINT OF BEGINNING
ON CORNER 122 1/2 FEET
TO CORNER 122 1/2 FEET
ON CORNER 122 1/2 FEET

E. K. FRANKLIN

9.494 ACRES

DANIEL TANNER LEAGUE SURVEY
ABST 1462

1.1168 (PARALLEL WITH)

D.P. & L. (25' ROW)

