

ORDINANCE NO. 1964
File No. 594-16

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 COMMERCIAL ON A TRACT LOCATED SOUTHEAST OF THE NORTH GALLOWAY AVENUE AND TRIPP ROAD INTERSECTION, FRONTING THE SOUTH SIDE OF TRIPP ROAD; 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 Commercial on a tract located southeast of the North Galloway Avenue and Tripp Road intersection, fronting the south side of Tripp Road; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 19th of December, A.D., 1983.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughey
Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

EXHIBIT A
REZONED COMMERCIAL TRACT

Description of 2.580 acre tract of land rezoned commercial out of the Henry Harvey Survey, Abstract No. 594, said tract of land being part of a 2.948 acre tract conveyed to the First United Pentecostal Church by Ralph Stone, by deed recorded in Volume 80193, Page 3587, Deed Records, Dallas County, Texas, said tract of land being situated in the City of Mesquite, and being more particularly described as follows;

BEGINNING, at a 1/2-inch iron rod set in the south right-of-way line of Tripp Road (60 feet wide), as defined by deed to the County of Dallas from Bessie Harris, as recorded in Volume 2122, Page 635, Deed Records, Dallas County, Texas, said point being 93.40 feet north and 217.46 feet east of a 5/8 inch iron rod found at the intersection of the east right-of-way line of North Galloway Avenue (100 feet wide) and the south right-of-way line of Tripp Road, said beginning point being in a curve to the right whose center bears S 13° 32' 16" E, a distance of 686.30 feet from said point;

THENCE, in a northeasterly direction with the said southern right-of-way line of Tripp Road and along said curve to the right, said curve having a central angle of 13° 02' 16" an arc distance of 156.17 feet to a 1/2-inch iron rod set for the end of said curve;

THENCE, N 89° 30' 00" E, with said south right-of-way line of Tripp Road, a distance of 195.50 feet to a 1/2-inch iron rod set for corner;

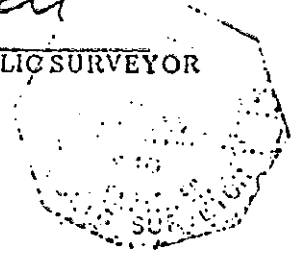
THENCE, S 25° 42' 34" E a distance of 380.52 feet to a point for corner;

THENCE, S 00° 51' 22" E, a distance of 189.83 feet to a point for corner;

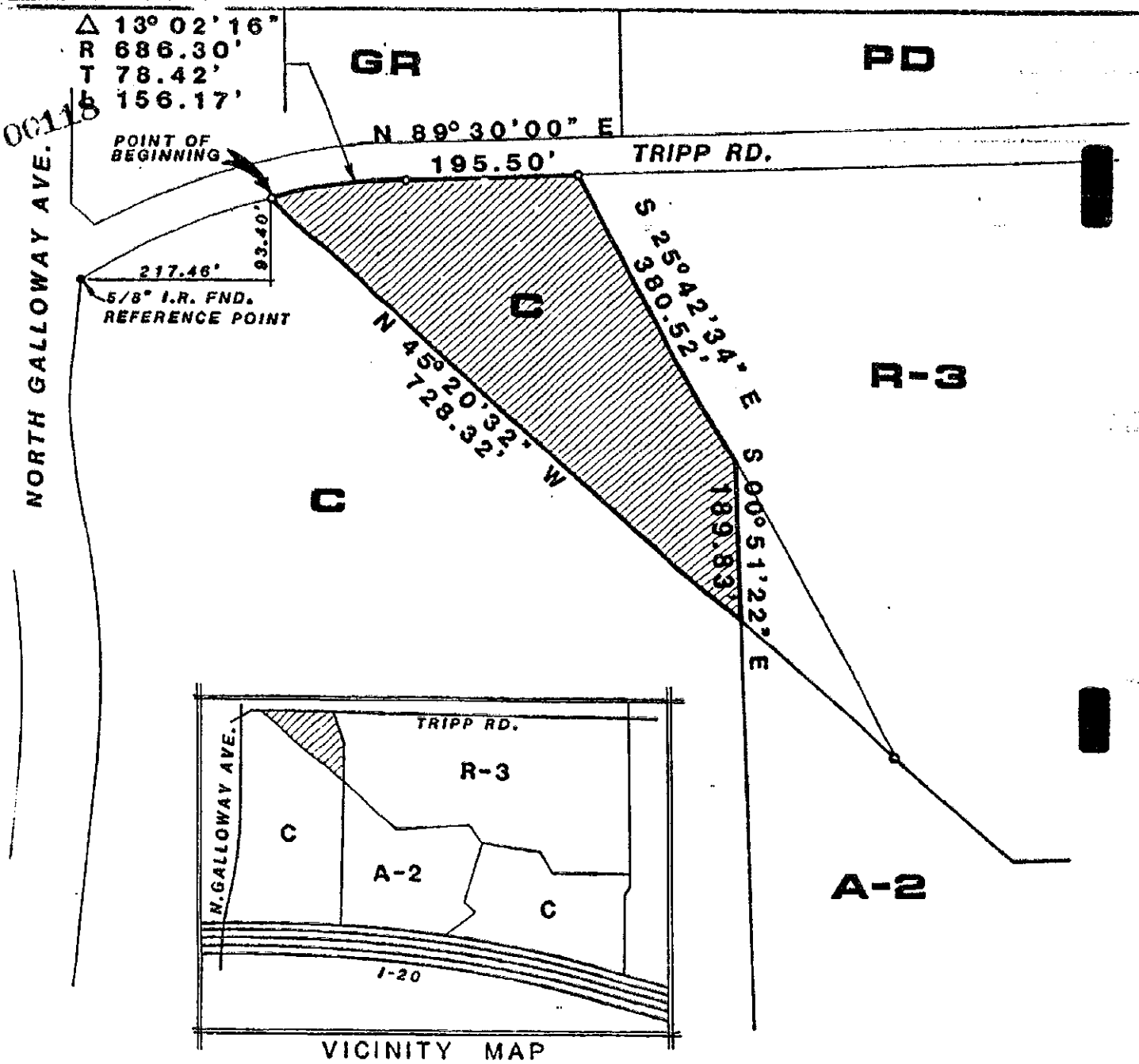
THENCE, N 45° 20' 32" W, a distance of 728.32 feet to the PLACE OF BEGINNING;

November 25, 1983
Powell & Powell
P&P No. 3239-83-9-2
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REGISTERED PUBLIC SURVEYOR



= 594-16



NOTE:

THE ABOVE TRACT OF LAND WAS APPROVED
 FOR REZONING (R-3 to COMMERCIAL) BY
 THE CITY COUNCIL OF MESQUITE
 ON OCTOBER 17, 1983

594-16

POWELL & POWELL Engineers and Consultants		3988 North Central Expressway Suite 1130/Dallas, Texas 75204 (214) 522-1000	
SCALE	DATE	PROJ. NO.	DWG. NO.
NONE	DEC. 83	3239-83-9-2	L-12