

ORDINANCE NO. 1972  
File No. 1462-159

00149

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, SERVICE STATION AND PLANNED DEVELOPMENT (OPEN) #119 TO PLANNED DEVELOPMENT COMMERCIAL ON TRACT 1, LOCATED SOUTHWEST OF THE TOWN EAST BOULEVARD AND SAMUELL BOULEVARD INTERSECTION; AND FROM R-3 TO PLANNED DEVELOPMENT COMMERCIAL ON TRACT 2, LOCATED 233 FEET SOUTH OF THE TOWN EAST BOULEVARD AND SAMUELL BOULEVARD INTERSECTION, FRONTING THE WEST SIDE OF TOWN EAST BOULEVARD; 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, Service Station and Planned Development (open) #119 to Planned Development Commercial on Tract 1, located southwest of the Town East Boulevard and Samuell Boulevard intersection fronting the west side of Town East Boulevard; 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.

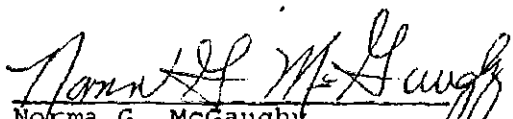
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 9th of January, A.D., 1984.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughy  
City Secretary

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Elland Archer  
City Attorney



**DON A. TIPTON, INC.**

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**CONSULTING ENGINEERS**

1560

6330 Belt Line Road Suite C Garland, Texas 75043 (214) 226-2967

TRACT 1

FIELD NOTES

BEING a tract of land situated in the J. Field Survey, Abstract No. 1622, J. Foreman Survey, Abstract No. 483, and Daniel Tanner Survey, Abstract No. 1462; City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the South line of Samuel1 Blvd. (a 120' R.O.W.) said point being S.89°52'39"W, a distance of 48.39 feet from the point of intersection of said South line of Samuel1 Blvd. and the West line of Town East Blvd. (a 100' R.O.W.) a point for corner;

THENCE, S.44°43'W, leaving said South line of Samuel1 Blvd. a distance of 1211.83 feet to a point for corner;

THENCE, N.45°11'02"W, a distance of 334.20 feet to a point for corner;

THENCE, N.44°43'E, a distance of 22.69 feet to a point for corner;

THENCE, N.0°02'30"W, a distance of 604.06 feet to a point on the above-mentioned South line of Samuel1 Blvd. a point for corner;

THENCE, N.89°35'01"E, along said South line of Samuel1 Blvd. a distance of 602.91 feet to a point for corner;

THENCE, N.89°52'39"E, along said South line of Samuel1 Blvd. a distance of 474.71 feet to the PLACE OF BEGINNING and containing 12,200 acres of land.

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# DON A. TIPTON, INC.

CONSULTING ENGINEERS

1560

6330 Belt Line Road Suite C Garland, Texas 75043 (214) 226-2967

Tract 2

## FIELD NOTES

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Texas and being more particularly described as follows:

BEGINNING at a point on the West line of Town East Blvd. (a 100' R.O.W.) said point being S.0°22'E, a distance of 233.56 feet from the point of intersection of said West line of Town East Blvd. and the South line of Samuel Blvd. (a 120' R.O.W.) a point for corner;

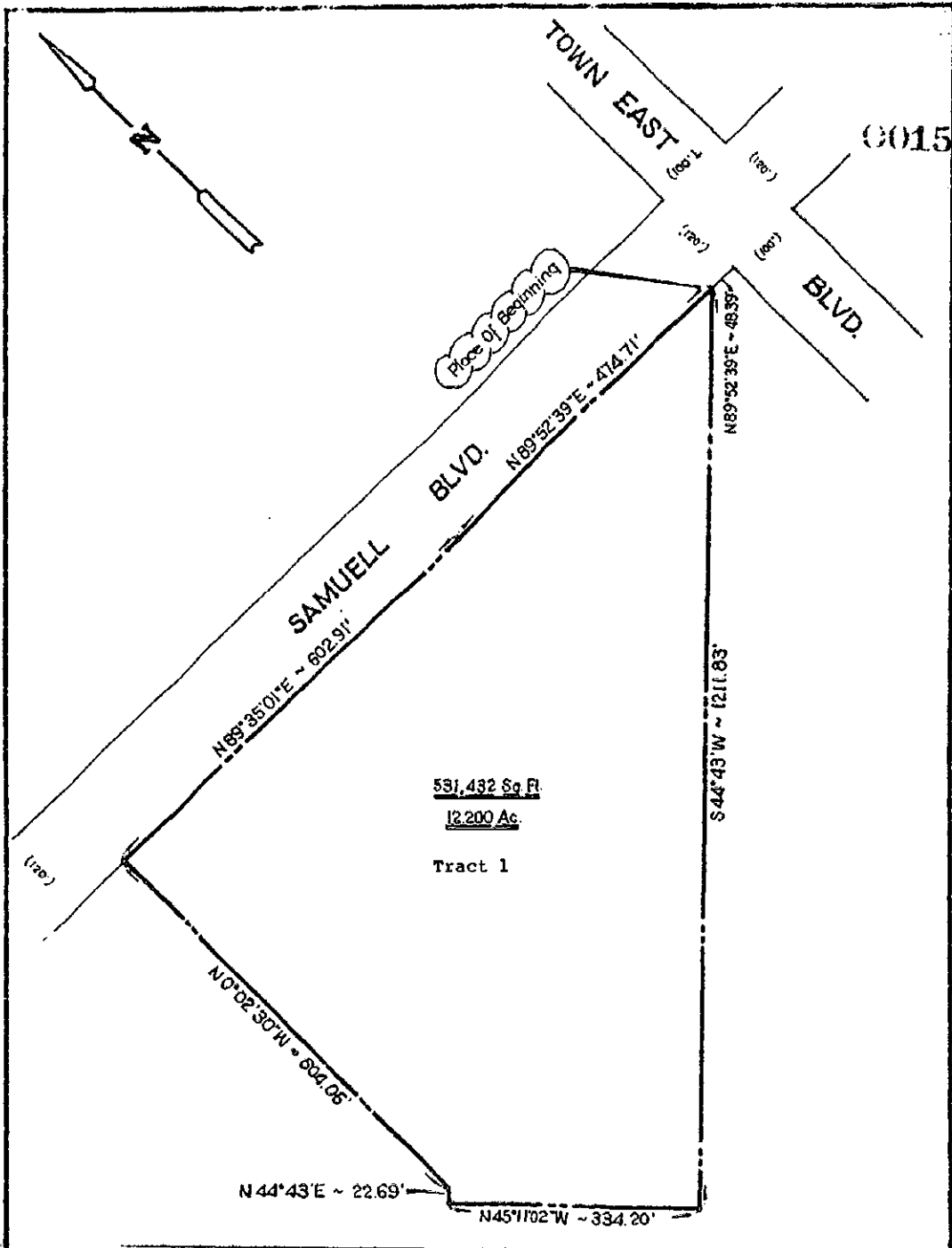
THENCE, S.0°22'E along said West line of Town East Blvd. a distance of 246.28 feet to a point for corner;

THENCE, S.44°43'W, leaving said West line of Town East Blvd. a distance of 907.80 feet to a point for corner;

THENCE, N.45°11'02"W, a distance of 174.40 feet to a point for corner;

THENCE, N.44°43'E, a distance of 1081.39 feet to the PLACE OF BEGINNING and containing 3.982 acres of land.

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531,432 Sq. Ft.

12.200 Ac.

Tract 1

1462-159



**DONA A. TIPTON, INC.**  
CONSULTING ENGINEERS  
2204 East Loop Road, Suite C, Garland, Texas 75040

**SURVEY SKETCH**

J. Field Survey ~ Abstract No. 1622  
J. Foreman Survey ~ Abstract No. 483  
Daniel Tanner Survey ~ Abstract No. 1462  
Monquite, Dallas County, Texas

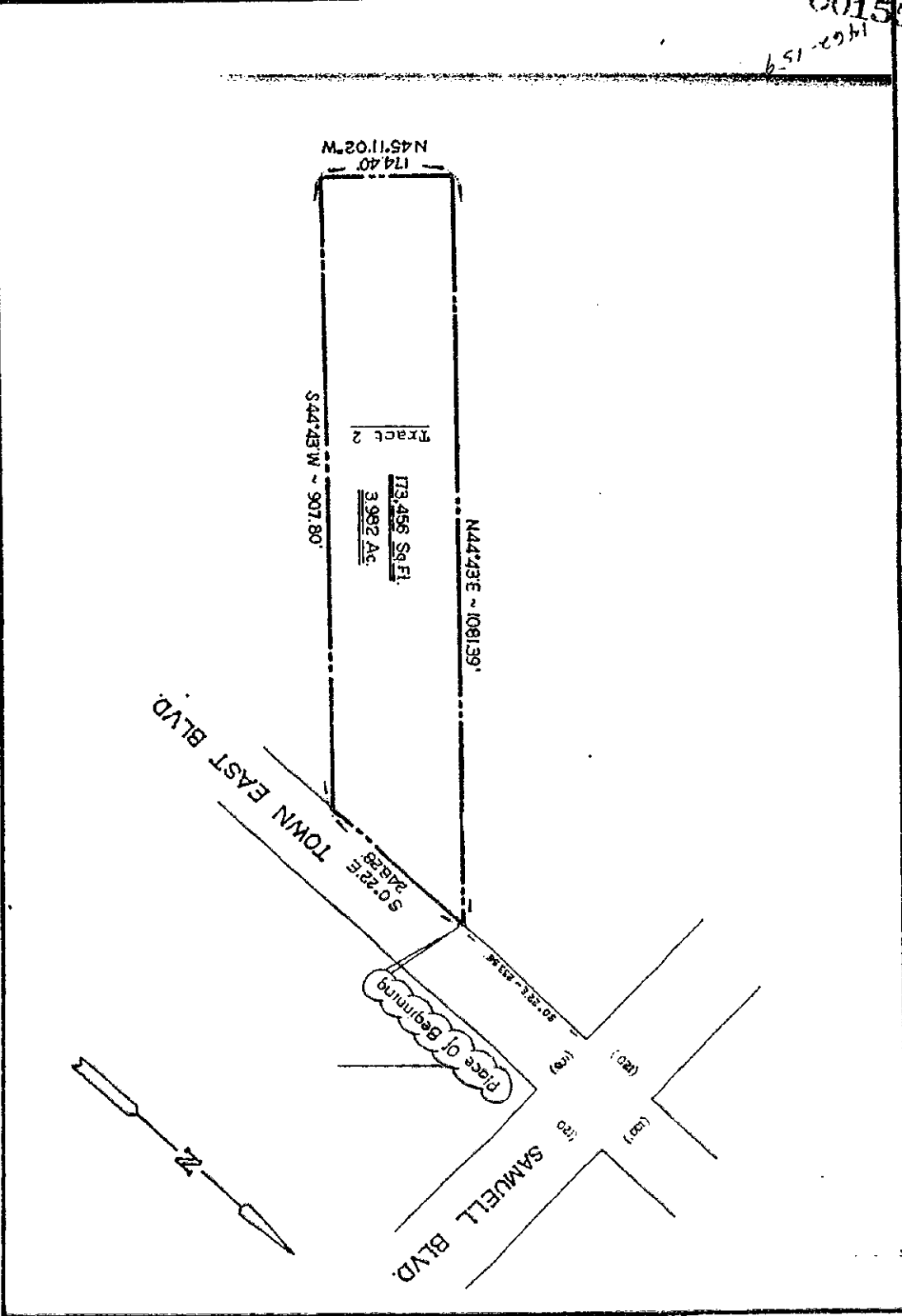
Drawn	Checked	Date	Scale	No.
q d	r.o.	12/20/83	None	1560

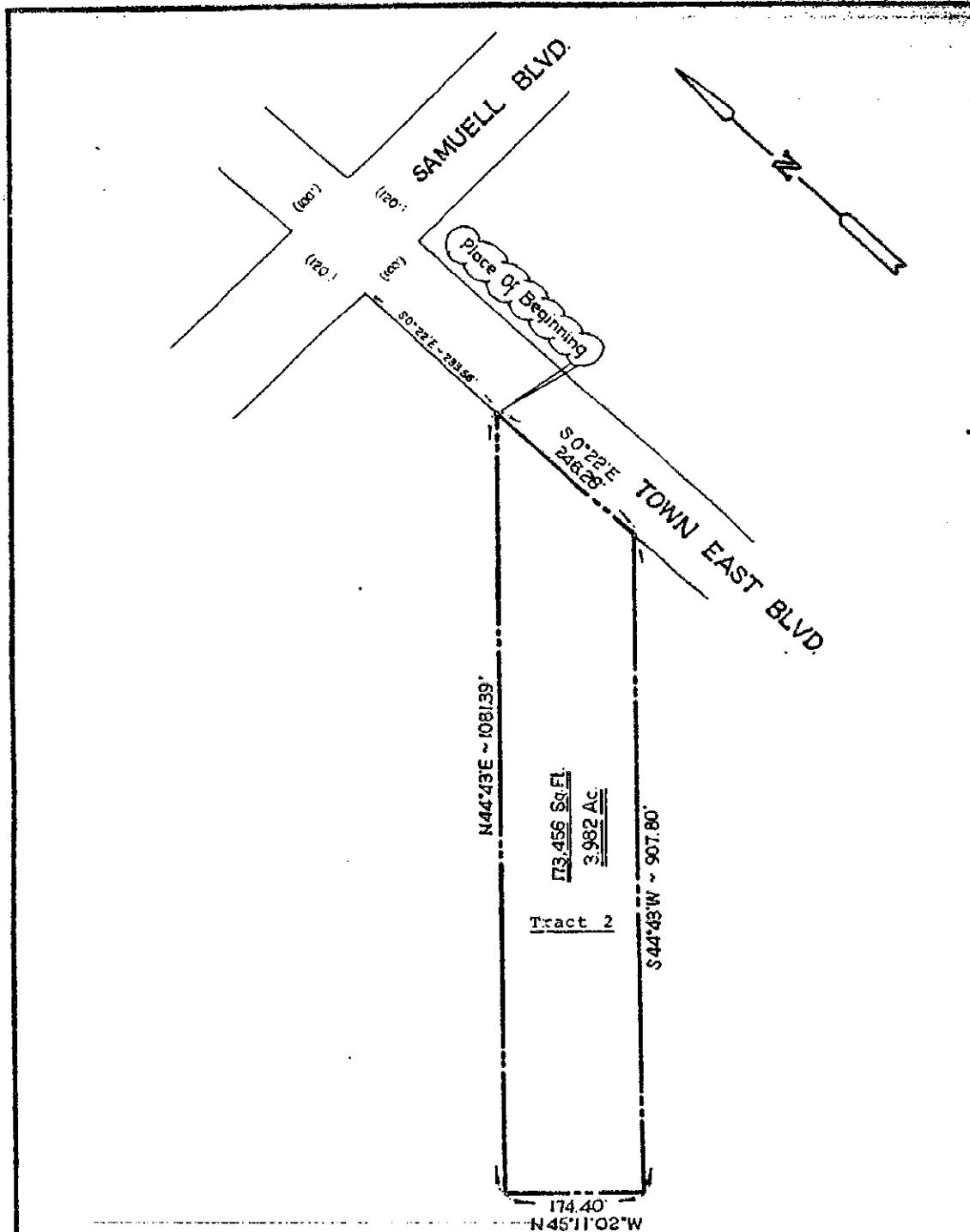
00154

Drawn	Checked	Date	Scale	No.
		12/20/85		
DON A. TIPPON, INC. CONSULTING ENGINEERS 208 E. THE BLVD. SUITE C. DUNFEL TOWER TRACT				
Dunfel Tanner Survey - Abstract No. 1462				


SURVEY SKETCH

1462-159  
5100





1462-159  
 29100

 <b>DON A. TIPTON, INC.</b> CONSULTING ENGINEERS <small>4800 East Loop Road - Suite C - Houston, Texas 77054</small>				
Drawn	Checked	Date	Scale	No.
qd	rn	12/20/83	Noted	

SURVEY SKETCH	
Daniel Tanner Survey ~ Abstract No. 1462	



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