

ORDINANCE NO. 1982
File No. 1462-157

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-2 TO PLANNED DEVELOPMENT COMMERCIAL ON A TRACT LOCATED SOUTHEAST OF THE I. 635 AND GUS THOMASSON ROAD 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-2 to Planned Development Commercial on a tract located southeast of the IH 635 and Gus Thomasson Road intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

00208

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 16th of January, A.D., 1984.

Mrs. Brunhilde Dystrom
Mrs. Brunhilde Dystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

ZONING FIELD NOTES
2.3976 ACRES

0779

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas and being part of a 24.22 acre tract as conveyed to Annie Riggs, by deed recorded in Volume 4190, Page 301, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set for a corner at the intersection of the East right-of-way line of Interstate Highway 635 with the Southerly right-of-way line of Gus Thomasson Road;

THENCE North $74^{\circ}12'48''$ East along the Southerly right-of-way line of Gus Thomasson Road a distance of 101.68 feet to the point of curvature of a circular curve to the right having a central angle of $60^{\circ}22'12''$, a radius of 302.70 feet, a tangent of 176.07 feet and a chord that bears South $75^{\circ}36'06''$ East 304.39 feet;

THENCE around said curve in a Northeasterly direction along the Southerly right-of-way line of Gus Thomasson Road an arc distance of 318.94 feet to an iron rod set for a corner on the Southeast line of the hereinabove mentioned 24.22 acre tract; said point also being on the Northwest line of a Dallas Power & Light Company R.O.W. recorded in Volume 5629, Page 404, Deed Records of Dallas County, Texas;

THENCE South $44^{\circ}42'10''$ West along the Southeast line of said 24.22 acre tract and the Northwest line of said Dallas Power & Light Company R.O.W. a distance of 602.60 feet to a highway marker found for a corner on the East right-of-way line of Interstate Highway 635;

THENCE North $7^{\circ}54'38''$ East along the East right-of-way line of Interstate Highway 635 a distance of 349.88 feet to a highway marker found for a corner;

THENCE North $7^{\circ}26'12''$ West along the East right-of-way line of Interstate Highway 635 a distance of 130.88 feet to the POINT OF BEGINNING and containing 104,440 sq. ft. or 2.3976 acres of land.

To any person, firm, or corporation relying upon the accuracy of this survey or plat, I, Danny E. Osteen, a Registered Public Surveyor, State of Texas, do hereby certify that the plat shown hereon accurately represents measurements performed upon the ground under my supervision and indicates all set back lines, easements, and fences as they are visible on the ground, and that all improvements, if any, are wholly within the boundary lines of the property, and that there are no encroachments, conflicts, protrusions, or overlapping of improvements except as shown hereon. This is a true, correct and accurate survey.



Danny E. Osteen
Danny E. Osteen
Registered Public Surveyor No. 4169

Dec. 28, 1983
Date

Acrey, Roberts & Pierson, Inc.
83-7P-218
December 28, 1983

1462-157

00210

1.2790 Ac.



Point of Beginning

GUS THOMASSON

INTERSTATE

HIGHWAY

N 635

S.I.R. 101.68' N 74°12'48"E

M 719.27' N 72°12'W
130.88'

HWY MARKER

N 7°54'38"E 349.88'

HWY MARKER

2.3976 Ac.

ROAD

602.60'
S 44°42'10"W
Dallas Power & Light Co. R.O.W
Vol. 5629, P. 404

$\Delta = 60^{\circ}22'12''$
 $R = 302.70'$
 $T = 176.07'$
 $L = 318.94'$
 $CB = 575^{\circ}36'06''E$
304.39'

RIGGS PROPERTY

Scale 1"=100'

PREPARED BY:
ACREY, ROBERTS, & PIERSON, INC.
63-7P-218
12-27-83

1462-157