

ORDINANCE NO. 1987  
File No. 594-17

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 COMMERCIAL TO A-2 ON TRACT 1 AND FROM A-2 TO COMMERCIAL ON TRACT 2. THE TWO TRACTS ARE LOCATED GENERALLY NORTH AND EAST OF THE I-20 AND NORTH GALLOWAY AVENUE 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 Commercial to A-2 on Tract 1 and from A-2 to Commercial on Tract 2. The two tracts are located generally north and east of the I-20 and North Galloway Avenue 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.

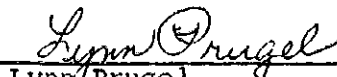
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 20th of February, A.D., 1984.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

TRACT 1  
REZONED COMMERCIAL TRACT

Description of a 10.343 acre tract of land rezoned commercial out of the William Foreman Survey, Abstract No. 486, said tract of land being situated in the City of Mesquite, and being more particularly described as follows:

COMMENCING, at a 3/8-inch iron rod found at the intersection of the north right-of-way line of US Hwy. 80 (320-feet wide) and the east right-of-way line of North Galloway Avenue (100-feet wide) as defined by deed to the City of Mesquite recorded in Volume 52, Page 1772, Volume 5765, Pge 504, and Volume 109, Page 0289, Deed Records, Dallas County, Texas;

THENCE, N 89° 08' 38" E, with said north right-of-way line of US Hwy 80, a distance of 11.91 feet to a 1/2-inch iron rod set for corner;

THENCE, S 89° 01' 24" E, with said north right-of-way line of US Hwy 80, a distance of 625.44 feet to a 1/2-inch iron rod set for corner;

THENCE, N 89° 08' 38" E, with said north right-of-way line of US Hwy 80, a distance of 210.87 feet to the PLACE OF BEGINNING;

THENCE, N 00° 51' 22" W, a distance of 500.00 feet to a point for corner;

THENCE, N 89° 08' 38" E, a distance of 924.55 feet to a point for corner;

THENCE, S 12° 13' 26" W, a distance of 250.53 feet to a 3/4-inch iron pipe found for corner;

THENCE, S 45° 30' 19" E, a distance of 134.94 feet to a 1/2-inch iron rod found for corner;

THENCE, S 44° 49' 38" W, a distance of 259.00 feet to a 1/2-inch iron rod found at the beginning of a curve to the left whose center bears S 05° 02' 11" W, a distance of 3969.72 feet from said point;

THENCE, in a westerly direction with said north right-of-way line of US Hwy 80 and along said curve to the left, said curve having a central angle of 05° 53' 33", an arc distance of 408.26 feet to a 1/2-inch iron rod found for end of said curve;

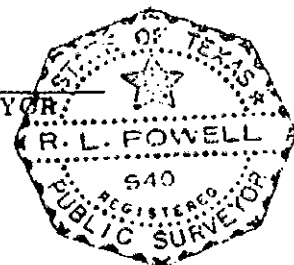
THENCE, S 89° 08' 38" W, with the said north right-of-way line of US Hwy 80, a distance of 369.83 feet to the PLACE OF BEGINNING;

CONTAINING, 450,532.83 square feet or 10.343 acres of land.

The foregoing field notes correctly set forth the boundaries of the tract herein described. Corners have not been set unless otherwise noted.

January 27, 1984  
P&P No. 3239-83-9-2  
Powell & Powell

*R. L. Powell*  
REGISTERED PUBLIC SURVEYOR



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TRACT 2  
REZONED A-2 TRACT

Description of a 3.342 acre tract of land rezoned A-2 out of the Henry Harter Survey, Abstract No. 594 and the William Foreman Survey, Abstract No. 486, said tract of land being situated in the City of Mesquite, and being more particularly described as follows:

COMMENCING, at a 3/8-inch iron rod found at the intersection of the north right-of-way line of US Hwy. 80 (320-feet wide) and the east right-of-way line of North Galloway Avenue (100-feet wide) as defined by deed to the City of Mesquite recorded in Volume 52, Page 1772, Volume 5765, Pge 504, and Volume 109, Page 0289, Deed Records, Dallas County, Texas;

THENCE, N 89° 08' 38" E, with said north right-of-way line of US Hwy 80, a distance of 11.91 feet to a 1/2-inch iron rod set for corner;

THENCE, S 89° 01' 24" E, with said north right-of-way line of US Hwy 80, a distance of 625.44 feet to a 1/2-inch iron rod set for corner;

THENCE, N 89° 08' 38" E, with said north right-of-way line of US Hwy 80, a distance of 210.87 feet to a point for corner;

THENCE, N 00° 51' 22" W, a distance of 500.00 feet to the PLACE OF BEGINNING;

THENCE, S 89° 08' 38" W, a distance of 260.48 feet to a point set for corner;

THENCE, N 00° 51' 22" W, a distance of 451.32 feet to a 1/2-inch iron rod set for corner;

THENCE, N 39° 08' 38" E, a distance of 30.64 feet to a 1/2-inch iron rod set for corner;

THENCE, N 79° 08' 38" E, a distance of 130.00 feet to a 1/2-inch iron rod set for corner;

THENCE, N 09° 37' 19" E, a distance of 186.80 feet to a 1/2-inch iron rod set for corner;

THENCE, N 79° 08' 38" E, a distance of 80.00 feet to a 1/2-inch iron rod set for corner;

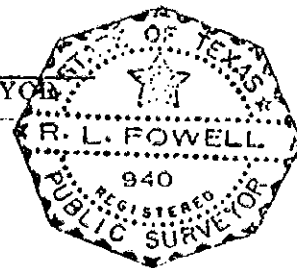
THENCE, S 00° 51' 22" E, a distance of 694.94 feet to the PLACE OF BEGINNING;

CONTAINING, 145570.32 square feet or 3.342 acres of land.

The foregoing field notes correctly set forth the boundaries of the tract herein described. Corners have not been set unless otherwise indicated.

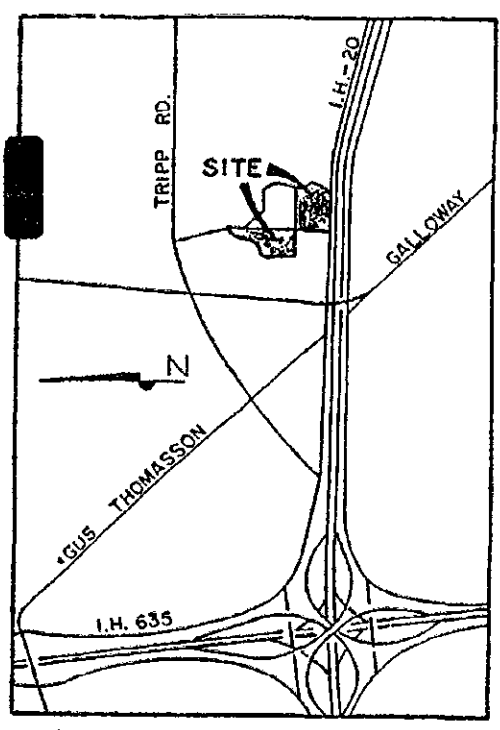
*R. L. Powell*  
REGISTERED PUBLIC SURVEYOR

January 26, 1984  
P&P No. 3239-83-9-2  
Powell & Powell Engineers

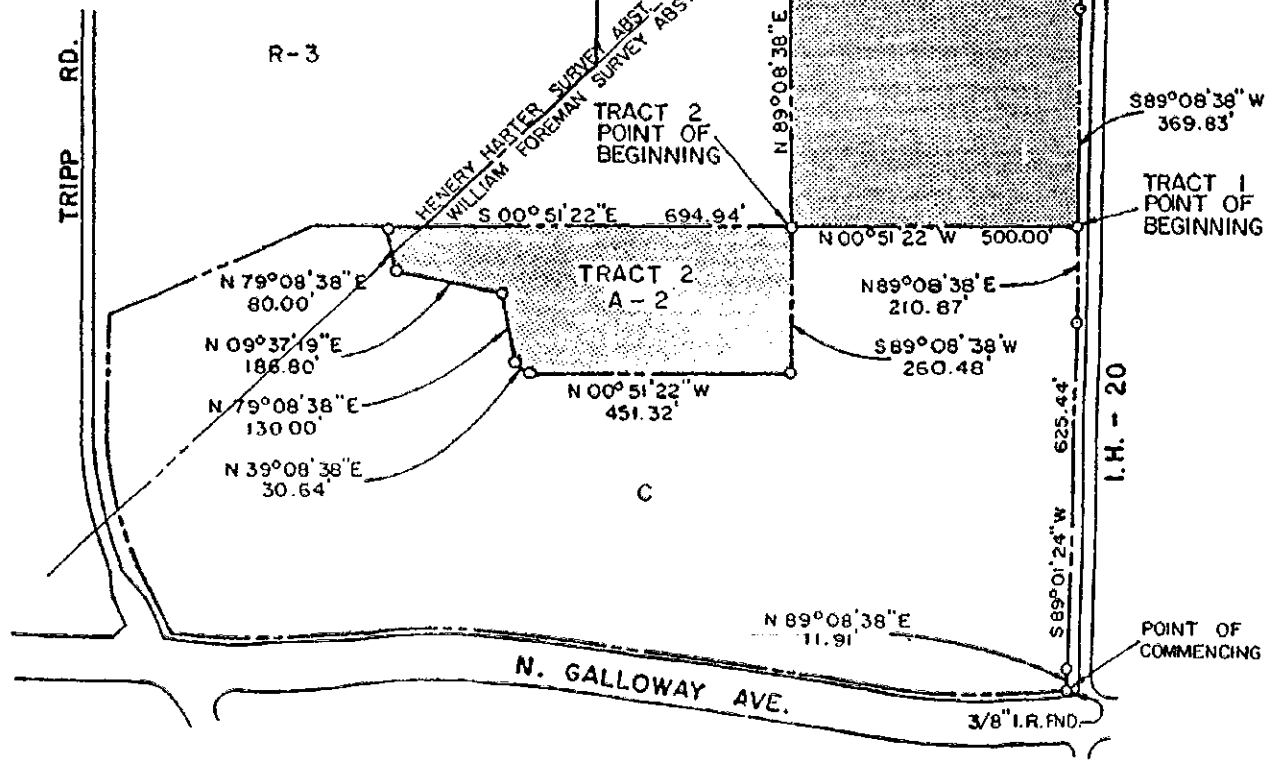


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LOCATION MAP N.T.S.



Δ = 05°53'33"  
 R = 3969.72'  
 T = 204.31'  
 L = 408.26'

NOTE: THE ABOVE TRACTS WERE APPROVED FOR REZONING BY THE CITY OF MESQUITE ON DECEMBER 19, 1983

4594-17

PROJECT NO. 3239-83-9-2 DWG. NO. L-123

**POWELL & POWELL**  
 Engineers and Consultants

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