

ORDINANCE NO. 2018
File No. 1462-164

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 450 FEET WEST OF RAYBURN AVENUE FRONTING THE SOUTH SIDE OF THE US 80 SERVICE 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 any 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 450 feet west of Rayburn Avenue fronting the south side of the US 80 Service Road; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

00108

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

TRACT ONE:

BEING a tract of land out of the DANIEL TANNER SURVEY, ABSTRACT NO. 1462 and contain approximately 6.481 acres, more or less and being part of the same property conveyed in Deed from J. T. Dean and wife, Mary E. Dean to Thomas A. Dean, sons, dated 3/12/29, file 2/11/30, recorded in Volume 1606, Page 526 Deed Records, Dallas County, Texas.

TRACT TWO:

BEING out of the DANIEL TANNER LEAGUE SURVEY, ABSTRACT NO. 1462, and being part of a certain 38.75 acre tract conveyed to T. A. Dean by J. T. Dean and wife, Mary E. and being more particularly described by metes and bounds as follows:

BEGINNING in the South line of State Highway 80, 80 feet South of the center line of same, and 310 feet West of a Tract heretofore conveyed to Aleri Dean;

THENCE West on said Highway line of a distance of 70 feet to a point, a stake for corner;

THENCE South and at a right angle to Highway No. 80, 300 feet to a stake for corner;

THENCE East 70 feet to stake for corner;

THENCE North 300 feet to PLACE OF BEGINNING; and being the same property conveyed in Deed from Iris C. Maddux, widow to Thomas A. Dean and wife, Laura Drew Dean, dated 12/30/54, filed 1/6/55, recorded in the Deed Records of Dallas County, Texas.

TRACT THREE:

BEING all that certain lot, tract or parcel of land situated in Dallas County, Texas, to-wit: LYING AND BEING situated in Dallas County, Texas, a part of the DANIEL TANNER LEAGUE SURVEY, and a part of a certain 38.75 acre tract conveyed to T. A. Dean by J. T. Dean and wife, Mary E. Dean as shown by the Deed Records of Dallas County, Texas, recorded in Volume 1606, Page 526 and more particularly described as follows:

BEGINNING at a point 140 feet West of the Northwest corner of a certain lot conveyed Joyce Dean Kincaid by Thomas A. Dean and wife, Laura Drew Dean as shown by the Deed Records of Dallas County, Texas, in Volume 3096, Page 232;

THENCE West 100 feet to a stake for corner;

THENCE South 300 feet to a stake for corner;

THENCE Southeast and perpendicular to the Southeast line of a certain 38.75 acre tract above referred to, which line runs North 45 deg. East 187 1/2 feet to a point for corner;

THENCE North 45 deg. East 105' to a stake for corner;

THENCE North 56' feet to a stake for corner;

THENCE West 105 feet to a stake for corner;

THENCE North 300 feet to a stake for corner which point is the PLACE OF BEGINNING; and being the same property conveyed in Deed from Walter Weldon Dean, a single man to A. Kincaid, Trustee, dated 8/1/79, filed 8/13/79, recorded in Volume 79158, Page 0375, Deed Records, Dallas County, Texas.

