

00195

ORDINANCE NO. 2037  
File No. ME-2

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 OFFICE TO GENERAL RETAIL ON A TRACT LOCATED 211 FEET WEST OF THE NORTH GALLOWAY AVENUE AND TOWN EAST BOULEVARD INTERSECTION, FRONTING THE SOUTH 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 Office to General Retail on a tract located 211 feet west of the North Galloway Avenue and Town East Boulevard intersection, fronting the south side of Town East Boulevard; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

00196

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.

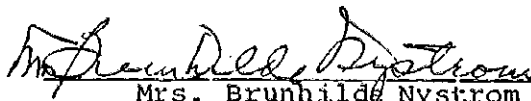
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 (\$200.00) Dollars 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 18th day of June, A.D., 1984.

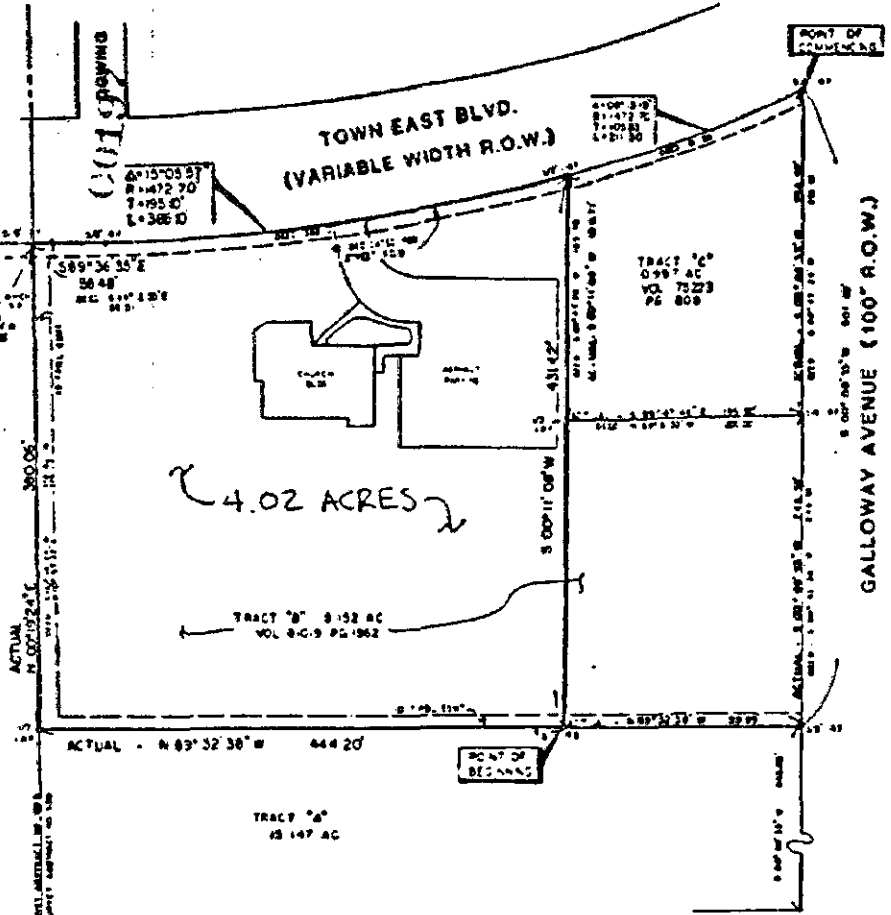
  
\_\_\_\_\_  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

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



**FIELD NOTE DESCRIPTION**

BEING a part of Lot 1, Block 1, MALL EAST ADDITION, an Addition to the City of Mesquite, Texas, according to the Map thereof recorded in Volume 81019, Page 1980, Map Records, Dallas County, Texas, and also being a tract of land situated in the James A. Coats Survey, Abstract No. 339 in the City of Mesquite, Dallas County, Texas and being part of a 3.148 acre tract of land conveyed to Our Savior Lutheran Church as recorded in Volume 81019, Page 1982, of the Deed Records, Dallas County, Texas (DADCT) and being part of a 98.927 acre tract of land conveyed to Town East Development Company as recorded in Volume 82246, Page 9961, (DADCT), and being more particularly described as follows:

COMMENCING at the southwest corner of the intersection of Galloway Avenue (100' right-of-way) and Town East Boulevard (variable width right-of-way) a 5/8 inch iron rod found for corners

THENCE along the west line of said Galloway Avenue, South 00° 08' 33" West, a passing distance of 354.52 feet to a 3/8 inch iron rod found for the southeast corner of the Palos Verdes Development Company 1.000 acre tract and the northeast corner of the Our Savior Lutheran Church 3.148 acre tract, in all a distance of 501.10 feet to a 5/8 inch iron rod found in the west line of said Galloway Avenue and being the southeast corner of said Our Savior Lutheran Church 3.148 acre tract;

THENCE departing the west right-of-way line of Galloway Avenue with the south line of said Our Savior Lutheran Church 3.148 acre tract North 69° 37' 38" West a distance of 389.99 feet to a 3/8 inch iron rod set for the POINT OF BEGINNING;

THENCE, continuing along the south line of said Our Savior Lutheran Church 3.148 acre tract, North 49° 32' 38" West a distance of 444.20 feet to a 3/8 inch iron rod found for the southwest corner of said Our Savior Lutheran Church 3.148 acre tract, being in the west line of the James A. Coats Survey, Abstract No. 339, (by description);

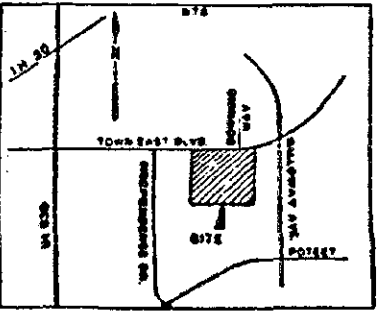
THENCE following the west line of said Our Savior Lutheran Church 3.148 acre tract, North 00° 18' 24" East a distance of 380.06 feet to a 5/8 inch iron rod found in the south line of said Town East Boulevard (a variable width right-of-way) being the northwest corner of said Our Savior Lutheran Church 3.148 acre tract;

THENCE along the south right-of-way line of said Town East Boulevard in an easterly direction as follows:

South 89° 38' 35" East a distance of 59.48 feet to a 5/8 inch iron rod found for the beginning of a curve to the left having a radius of 1473.70 feet and a central angle of 15° 03' 57";

Continuing along said curve to the left in a northeasterly direction an arc distance of 388.30 feet to a 3/8 inch iron rod found for corner, same being the northwest corner of said Palos Verdes Development Company 1.00 acre tract;

THENCE departing the south line of said Town East Boulevard, with the west line of said Palos Verdes Development Company 1.00 acre tract, South 00° 11' 08" West a passing distance of 183.71 feet to a 3/8 inch iron rod found for the southwest corner of the Palos Verdes Development Company 1.00 acre tract, in all a distance of 431.42 feet to the POINT OF BEGINNING containing within these metes and bounds, 4.02 acres of land, more or less and being subject to easements of record.



**LEGEND**

IR F	IRON ROD FOUND
IR S	IRON ROD SET

2-2

FIELD NOTE DESCRIPTION

BEING a part of Lot 1, Block 1, MALL EAST ADDITION, an addition to the City of McKinney, Texas, according to the Map thereof recorded in Volume 81019, Page 1560, Map Records, Dallas County, Texas, and also being a tract of land situated in the J.M. & A. Coats Survey, Abstract No. 339 in the City of McKinney, Dallas County, Texas and being part of a 3.148 acre tract of land conveyed to Our Savior Lutheran Church as recorded in Volume 8109, Page 1562, of the Deed Records, Dallas County, Texas (DRDCT) and being part of a 34.273 acre tract of land conveyed to Town East Development Company as recorded in Volume 87246, Page 0861, (DRDCT), and being more particularly described as follows:

COMMENCING at the southwest corner of the intersection of Galloway Avenue (100' right-of-way) and Town East Boulevard (variable width right-of-way) a 3/8 inch iron rod found for corner;

THENCE along the west line of said Galloway Avenue, South 00° 02' 31" West, a plaining distance of 254.52 feet to a 5/8 inch iron rod found for the southeast corner of the Palos Verdes Development Company 1.000 acre tract and the northeast corner of the Our Savior Lutheran Church 3.148 acre tract, in all a distance of 501.70 feet to a 3/8 inch iron rod found in the west line of said Galloway Avenue and being the southeast corner of said Our Savior Lutheran Church 3.148 acre tract;

THENCE departing the west right-of-way line of Galloway Avenue with the north line of said Our Savior Lutheran Church 3.148 acre tract North 89° 32' 38" West a distance of 189.99 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING;

THENCE, continuing along the south line of said Our Savior Lutheran Church 3.148 acre tract, North 89° 32' 38" West a distance of 444.20 feet to a 5/8 inch iron rod found for the southwest corner of said Our Savior Lutheran Church 3.148 acre tract, being in the west line of the J.M. & A. Coats Survey, Abstract No. 339, (by description);

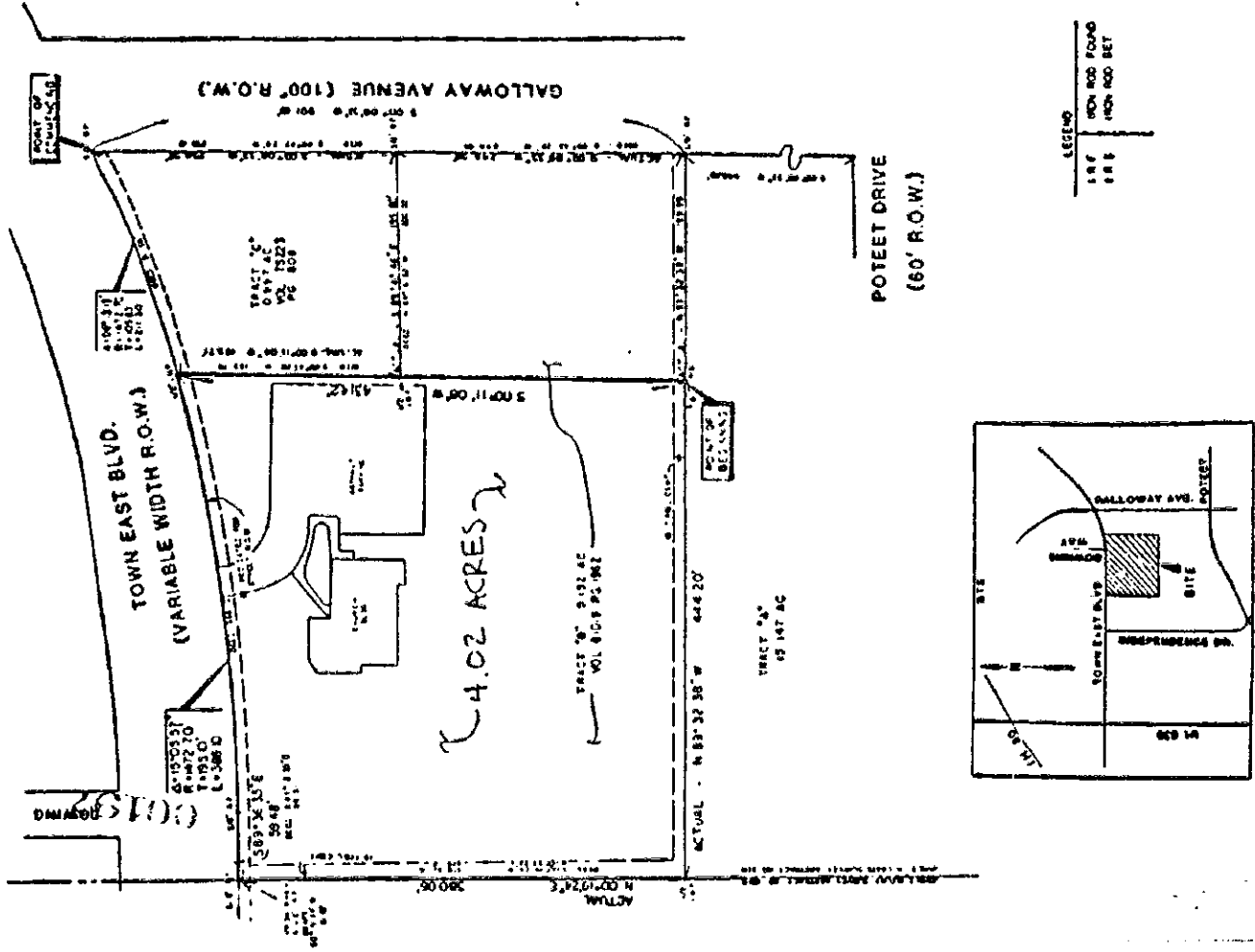
THENCE following the west line of said Our Savior Lutheran Church 3.148 acre tract, North 00° 17' 24" East a distance of 300.05 feet to a 3/8 inch iron rod found in the south line of said Town East Boulevard (a variable width right-of-way) being the northeast corner of said Our Savior Lutheran Church 3.148 acre tract;

THENCE along the south right-of-way line of said Town East Boulevard in an easterly direction as follows:

South 89° 38' 35" East a distance of 59.48 feet to a 3/8 inch iron rod found for the beginning of a curve to the left having a radius of 1472.70 feet and a central angle of 15° 05' 37";

Continuing along said curve to the left in a northeasterly direction an arc distance of 388.10 feet to a 3/8 inch iron rod found for corner, same being the northeast corner of said Palos Verdes Development Company 1.00 acre tract;

THENCE departing the south line of said Town East Boulevard, with the west line of said Palos Verdes Development Company 1.00 acre tract, South 80° 11' 08" West a plaining distance of 193.51 feet to a 3/8 inch iron rod found for the southeast corner of the Palos Verdes Development Company 1.00 acre tract, in all a distance of 431.42 feet to the POINT OF BEGINNING containing within these metes and bounds 4.02 acres of land, more or less and being subject to easements of record.



2-4-77

00198

