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 IN-TERSECTION, 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 ORDI-NANCE 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 OPDINANCES; 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.

00136 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

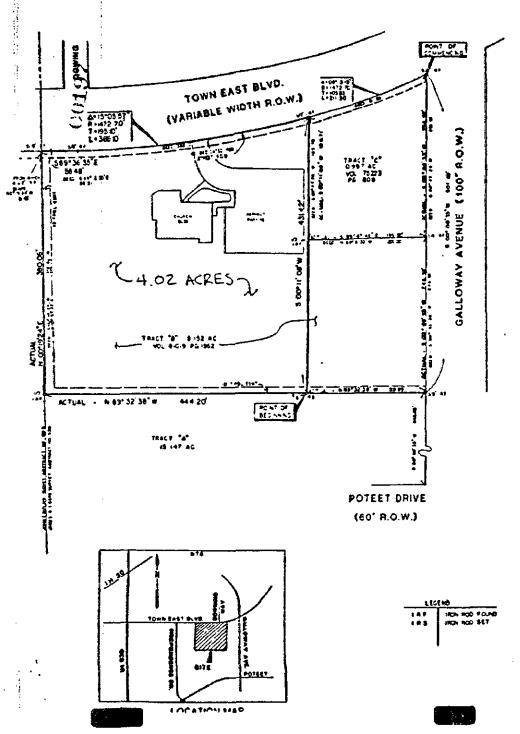
Mayor

ATTEST:

APPROVED AS TO FORM:

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 Manquire, Texas, according to the Map thereof recorded in Yolume 81019, Page 1950, Map Records, Dalias County, Texas, and also being a tract of land situated in the Jaman A. Coats Survey, Abstract No. 139 in the City of Manquire, Dalias County, Texas and being part of a 3,148 acre tract of land conveyed to Our Saulor Lutheran Church as recorded in Yolume 81019, Page 1982, of the Deed Records, Dalias County, Texas (DRDCT) and being part of a 98.427 acre tract of land conveyed to Town East Development Company as recorded in Yolume 82248, Page 8861, (DRDCT), and being more particularly described as follows:

COMMENCING at the southwest corner of the intersection of Gallows; Avenue (1007 right-of-way) and Town East Boulevard (variable width right-of-way) a \$78 inch iron rod found for corners

THENCE along the west line of seld Gallower Avenue, South 80° 8837 West, a passing distance of 254.52 feet to a 5/8 inch iron rod found for the southeast corner of the Palos Verdes Development Company 1,800 acre tract and the hortheast corner of the Dur Savior Lutheran Church 5.148 acre tract, in all a distance of 508.10 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 most right-of-may. But of GaBoway Avenue with the south line of said Our Savior Eutheran Church 5.148 acre tract North 69° 3738" Most a distance of 199.99 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING;

THENCE, continuing along the south line of said Our Sevier Lutheran Church 5.148 acre tract, North 49° 32 35° Word a distance of 444.20 feet to a 3 inch iron rod found for the southwest corner of said Our Savier Lutheran Church 5.148 acre tract, being in the west line of the James A. Costs Survey, Abstract No. 339, by descriptionly

THENCE following the wort line of said Our Serier Lutheran Church 5.148 acre tract, Forth 50° 1974" 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 Savier Lutheran Church 5.148 acre tract;

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

South 89^9 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 1472.79 feet and a central angle of 15^9 85'57'₁

Continuing along said curve to the left in a northeasterly direction an arc distance of 388.10 feet to a \$ inch iron rod found for corner, same being the northwest corner of said Falos Verdes Development Company 1.00 acre tracts

THENCE departing the south line of mid Town East Boulevard, with the west line of said Palos Verdes Development Company 1.00 acre tract, South 60° 19'08' West a passing distance of 183.71 feet to 8 8 inch iron end found for the southwest corner of the Palos Verdes Development Company 1.00 acre tract, in all 6 distance of 431.42 feet to the POINT OF BEGINNING containing within these mates and bounds, 4.02 acres of land, more or Issue and being subject to easements of second.

SCN ROD FOUND FON ROD BET GALLOWAY AVENUE (100" R.O.W.) POTEET DRIVE (60' R.O.W.) H 1, 16 7, 11 1 77 7, The 1 (Variable width R.O.W.) و برييان وورية TOWN EAST BLVD. £ , , -4.02 ACRES ひした さいしましい き TRACT "4" 85 147 BC # 83-32 36 # **669** H Ser-x 15. DMMOED [1) ACT VAL

PIELD NOTE DESCRIPTION

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BENG a part of Lot I, Block I, MALL EAST ADDITION, on Addition to the City of Maquite, Texas, according to the Map thereof reconded in Volume 81013, Page 1858, Map Records, Dallas County, Texas, and also being a tract of land situated to the Jamus A. Couth Survey, Abstract No. 338 in the City of Maquite, Dallas County, Texas and being gart of a 5.168 acre tract of land conveyed to Our Savior Lutherna Church as recorded in Volume 81099, Page 1851, of the Deed Records, Dallas County, Texas ONDCT) and being part of a MLST acre tract of land conveyed to Town East Development Company as according in Volume 82246, Page 0881, (DRDCT), and being more particularly described as

COMMENCING at the southwest extree of the intersection of Gallowsy Avenue (1909 found for expense) a 3/8 Inch took roof found for expense.

THENCE along the west line of said Galloway Avenue, South 80° \$8737 West, a passing distance of 154.53 feet to a 5/8 Inch fron rod found for the southeast corner of the Palon Westan Development Company 1.000 acre test and the horitheast corner of the Dar Savior Lutheran Church 5.148 acre tract, in all a distance of 501.10 feet to a 5/8 inch fron rod found in the west line of said Calloway Avenue and being the southeast corner of said our Savior Lutheran Church 5.148 acre tract.

THENCE departing the most right-of-way line of Gallowsy Avenue with the south line of mid Our Savior Lutheran Church 5.188 sone fract North 89° 3738" West a distance of 185.98 feet to a 5/8 inch fron rod set for the POINT OF BEGINNING;

THENCE, continuing along the pouth line of said Our Sanker Lutheran Church 5.148 serie that; North 85-1218 Wast a distance of 44.128 feet to a å inch inon rod found for the southwest conner of said Our Sanfor Lutheran Church 5.148 sere tract, being in the world line of the James A. Coats Survey, Abstract No. 318, (by description):

TRENCE following the west line of said Olie Savior Luthersh Church 5.148 ares tract, forth 60'1171' East a distance of 180.05 feet to a 5.18 lock from rod found in the south line of 20'0 Town East Boulevard (a variable elicit right-of-way) being the northwest corner of said found 5.484 ares tracts.

THENCE along the south right-of-way line of said form East Boulevard in an easterty direction as follows: South 88° 38'35" East a distance of 59.48 feet to a 5/8 lich from rod found for the beginning of a curve to the left having a radius of 1472.78 feet and a central angle of 18° 8557°;

Continuing along said curve to the left in a northeasterly direction an are distance of 388.10 feet to a 4 loch from rod found for comes, same being the northwest comes of said Falos Verdes Devalopment Company 1.80 acre tracts

THENCE departing the south line of mid Town East Boulevard, with the wort line of during Palou Varidas Development Company 1.00 acre tract, South 80° 11'05" Wart a passing durines of 185.71 feet to a 4 first iron roof found for the southwest corner of the Palou Varidas Development Company 1.00 acre tract, in all a distance of \$11.41 feet to the POINT OF BECHNING containing within these meter and bounds 4.01 acres of land, more or fees and being subject to eaterments of second.

