

ORDINANCE NO. 2038
File No. 170-16

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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 SINGLE FAMILY TO SERVICE STATION ON A TRACT LOCATED SOUTHEAST OF THE US HWY. 80 AND BELT LINE 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-3 Single Family to Service Station on a tract located southeast of the US Hwy. 80 and Belt Line Road 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 (\$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 2nd day of July, A.D., 1984.

Mrs. Brunhilde Nystrom

Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel

Lynn Prugel
City Secretary

Elland Archer
City Attorney

OWNER'S CERTIFICATION

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STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, Mrs. D. M. Landers is the Owner of the following described property to wit:

BEING a tract or parcel of land situated in City of Mesquite, Dallas County, Texas and lying partially in the R. Bethurum Survey, Abstract No. 170 and partially in the McKinney & Williams Survey, Abstract No. 1028; said tract or parcel being the property located at the Southeast corner of the intersection of Interstate Highway 20 and Belt Line Road (County Road No. 348); said tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the East R.O.W. line of Belt Line Road, (a 100.0 foot wide R.O.W.), with the South R.O.W. line of Interstate Highway 20 (a variable width R.O.W.), at the most Southerly point of the clip corner at the Southeast corner of said intersection; monumented by a standard State Highway wood R.O.W. monumented with a "P-K" nail;

THENCE North 52 degrees 05 minutes 00 seconds East along said clip corner, a distance of 65.20 feet to an angle to the right in the South R.O.W. line of said Interstate Highway 20, this point monumented by a utility pole on said point of angle; and continuing South 78 degrees 46 minutes 02 seconds East, along said South R.O.W. line of Interstate Highway 20, a distance of 151.53 feet to a set 1/2" diameter iron rod being point for corner;

THENCE South 00 degree 20 minutes 00 seconds West along a line being parallel to and perpendicularly, 27.0 feet East, of the East R.O.W. line of said Belt Line Road, at 6.60 feet the Northeast corner of a 1.0 acre tract as conveyed by O.C. Hanby to D.M. Landers, Jr. by deed dated May 2, 1962; at 29.40 feet the Southeast corner of said O.C. Hanby to D.M. Lander, Jr. tract and the Northeast corner of a 0.119 acre tract as conveyed by William E. Pearson to D. M. Lander, Jr. by deed recorded Volume 4911, Page 552, D. C., Dallas County, Texas; and continuing in all 312.40 feet to point for corner; monumented by a set 1/2" diameter iron rod; this point of corner being the Southwest corner of the Pearson to Lander tract;

THENCE West along the South line of said Pearson to Lander tract, a distance of 200.0 feet to the Southwest corner of said Pearson to Lander tract and to the East R.O.W. line of Belt Line Road, being point for corner; monumented by a set 1/2" diameter iron rod;

THENCE North 00 degrees 20 minutes 00 seconds East along the East R.O.W. line of Belt Line Road, at 27.0 feet the Northwest corner of the Pearson to Lander tract and the Southwest corner of the O.C. Hanby to D.M. Lander, Jr. 1.0 acre tract; at 244.80 feet the Northwest corner of said 1.0 acre tract; continuing in-all 301.85 feet to PLACE OF BEGINNING and containing 65,160.50 square feet or 1.50 acres of land.

PHOTO BY UNIVER
1800 BELTLINE ROAD
MESQUITE, TEXAS

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