

ORDINANCE NO. 2041
File No. ER-6

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 GENERAL RETAIL TO PLANNED DEVELOPMENT GENERAL RETAIL ON A TRACT LOCATED SOUTH AND WEST OF THE NORTH GALLOWAY AVENUE AND HIGHLAND VILLAGE DRIVE 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 General Retail to Planned Development General Retail on a tract located south and west of the North Galloway Avenue and Highland Village Drive 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 CERTIFICATE

STATE OF TEXAS :
 COUNTY OF DALLAS :

WHERAS, Goggans & Watts Building Cos., Inc., is the owner of a tract of land situated in the M.L. Swing Survey, Abstract No. 1597 in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of said Block 25, said Northeast corner being the intersection of the Southerly line of Highland Village Drive (44.5 ft. wide with the Westerly line of Galloway Avenue (100 ft. wide);

THENCE South 14°35' East along the Westerly line of Galloway Avenue, a distance of 258.61 ft. to an iron rod found for corner, said corner being 33.25 ft. North 11°35' West from the Northeast corner of said Block 25;

THENCE South 75°25' West a distance of 291.01 ft. to an iron rod found for corner in the Westerly line of said Block 25, said iron rod being 56.56 ft. South 1°10' East from the Northwesterly corner of said Block 25;

THENCE North 1°10' West along the Westerly line of said Blocks 25, 24, and 23, same being the Easterly line of Block 22, a distance of 265.86 ft. to an iron rod found at the Northwest corner of said Block 23, said Northwest corner being in the Southerly line of Highland Village Drive;

THENCE North 75°25' East along the Northerly line of said Block 23, same being the Southerly line of Highland Village Drive a distance of 252.72 ft. to the POINT OF BEGINNING and containing 1.5624 Acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, Goggans & Watts Building Cos., Inc., acting herein and through its duly authorized officers, does hereby adopt this plat designating the herein described property as Skyway Medical Plaza, an addition to the City of Mesquite, Texas, and does hereby dedicate to the public use forever the streets and alleys shown thereon. The easements shown thereon are hereby reserved for the purposes as indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using, or desiring to use same. All and any public utility shall have the full right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system on the easements and all public utilities shall at all times have the full right of ingress and egress to or from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective system without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.

Water mains and sanitary sewer easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services for the main to and including the meters and boxes, sewer laterals from the main to the curb or pavement line, and the description of such additional easements herein granted shall be determined by their locations as installed.

This plat approved subject to all platting ordinances, rules, regulations of the City of Mesquite, Texas.

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