

ORDINANCE NO. 2043
File No. 1461-82

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 GENERAL RETAIL WITH A CONDITIONAL USE SPECIFICALLY FOR A DAY NURSERY ON A TRACT LOCATED NORTHWEST OF OATES DRIVE AND HARPER 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 R-3 to General Retail with a Conditional Use specifically for a day nursery on a tract located northwest of Oates Drive and Harper 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 16th 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

STATE OF TEXAS
COUNTY OF DALLAS

0029

W.R. Lee, Registered Public Surveyor No. 2038, do hereby certify that the plat hereon represents the results of a survey made on the ground June 12, 1984, as per the description on hereon, the lines and dimensions of said property being as indicated, the size, location and type of buildings are as shown, all improvements being located within the boundaries and the distances indicated, the distance from the nearest intersecting street or road is shown on said plat, there are no encroachments or protrusions visible and apparent on the ground except as shown.

This survey was performed in connection with the transaction described in GF NO. 479857 of Dallas Title Company. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

DESCRIPTION OF PROPERTY:

BEING a part of the Theophilus Thomas League and Labor Survey, Abstract No. 1461, City of Mesquite, Texas, and being part of a tract of land conveyed to B.G. Windham in Volume 2241 at Page 270 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the Northwest line of Oates Drive (an 80 foot R.O.W.), said point being located South 44 deg. 43 min. West, a distance of 70.0 feet and North 45 deg. 00 min. West, a distance of 10.0 feet from the East corner of said Windham tract, a nail found for corner;

THENCE, South 44 deg. 43 min. West, along said Northwest line of Oates Drive, a distance of 68.0 feet, an iron rod for corner;

THENCE, North 45 deg. 00 min. West, passing through said Windham tract, a distance of 198.75 feet to a point in the Northwest line of said Windham tract, an iron rod for corner;

THENCE, North 44 deg. 43 min. East, along said Northwest line and parallel with said Northwest line of Oates Drive, a distance of 68.0 feet, a nail found for corner;

THENCE, South 45 deg. 00 min. East, passing through said Windham tract, a distance of 198.75 feet to the Point of Beginning and containing 13,515 square feet or 0.3103 acres of land.

Job #70206

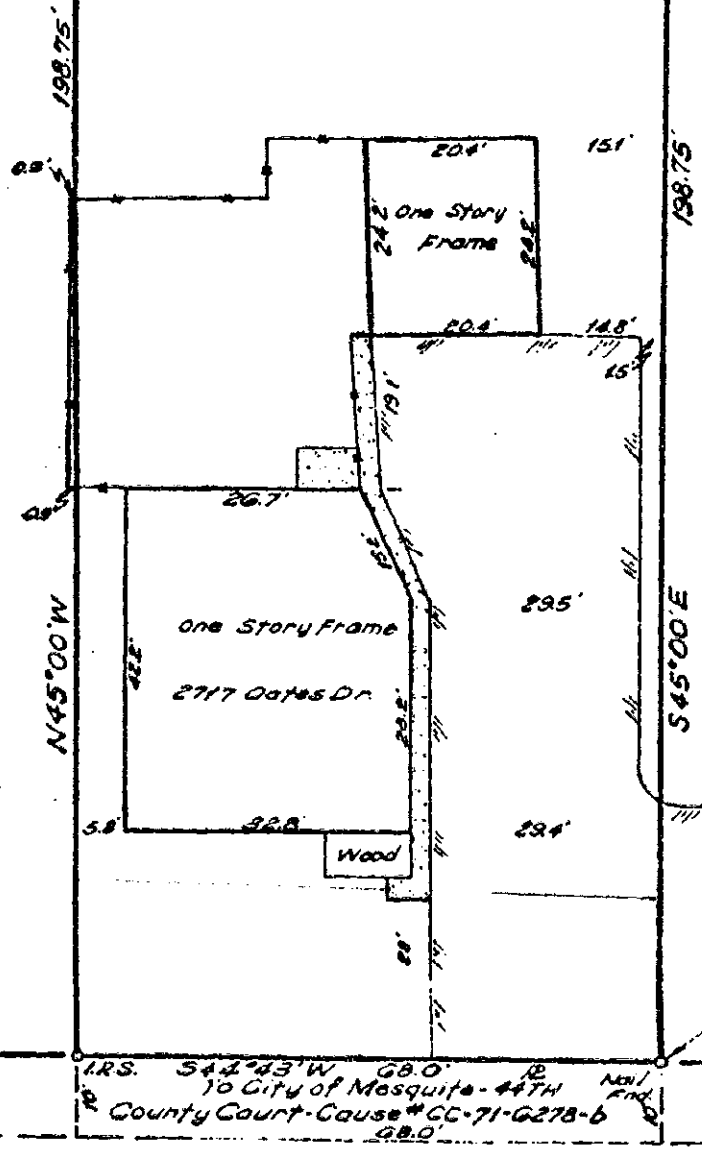
LM # 3964

W. R. Lee
W.R. Lee, Registered Public Surveyor
No. 2038

1461-82

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13,515 S.F. OR
0.3103 AC.



Point of Beginning

IRS. S 44° 43' W 68.0'
To City of Mesquite - 44TH
County Court Cause # CC-71-6278-6
68.0'

(80' R.O.W.)