

ORDINANCE NO. 2050  
File No. 1462-171

0063

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 COMMERCIAL TO A CONDITIONAL USE IN COMMERCIAL FOR OUTDOOR RECREATION; THE TRACT IS LOCATED NORTH AND WEST OF THE I-635 AND SCYENE 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 Commercial to a Conditional Use in Commercial for outdoor recreation; the tract is located north and west of the I-635 and Scyene Road intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

COUGL

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 6th day of August, 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

FIELD NOTE DESCRIPTION

00065

BEING A 0.677 ACRE TRACT OF LAND SITUATED IN THE DANIEL TANNER LEAGUE, ABSTRACT NO. 1462 IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID 0.677 ACRE TRACT OF LAND BEING THE REMAINDER OF A 3.33 ACRE TRACT OF LAND CONVEYED TO JOE MARCHMAN BY DEED DATED AUGUST 28, 1964 AND RECORDED IN VOLUME 390, PAGE 1303 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS SAID 0.677 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID MARCHMAN TRACT, SAME BEING THE NORTHWEST CORNER OF A 32,692.21 S.F. TRACT OF LAND CONVEYED TO MOBIL OIL CORPORATION FROM THE MESQUITE INDEPENDENT SCHOOL DISTRICT BY WARRANTY DEED RECORDED IN VOLUME 69117, PAGE 1423 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS:

THENCE: N 11° 57' 58" W - 371.58 FEET ALONG THE WEST LINE OF SAID MARCHMAN TRACT, SAME BEING THE EAST LINE OF A 26.9 ACRE TRACT OF LAND CONVEYED TO FERPIS BRICK COMPANY BY DEED RECORDED IN VOLUME 1584, PAGE 45 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS TO A POINT FOR CORNER IN THE EAST LINE OF INTERSTATE HIGHWAY 635;

THENCE: S 13° 56' 20" E - 360.34 FEET WITH THE EAST LINE OF INTERSTATE HIGHWAY 635 TO A POINT FOR CORNER IN THE SOUTH LINE OF SAID MARCHMAN TRACT, SAID POINT BEING THE NORTHEAST CORNER OF SAID MOBIL OIL CORPORATION TRACT:

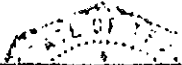
THENCE: S 86° 13' 22" W - 154.92 FEET ALONG THE SOUTH LINE OF SAID MARCHMAN TRACT, SAME BEING THE NORTH LINE OF SAID MOBIL OIL CORPORATION TRACT TO THE PLACE OF BEGINNING CONTAINING 0.677 ACRES OF LAND, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, LAWRENCE A. CAPES HEREBY CERTIFY THAT THE ATTACHED PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY TAKEN FROM A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND CORRECTLY SHOWS ALL IMPROVEMENTS, THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. THIS PLAT IS SUBJECT TO ANY AND ALL EASEMENTS AFFECTING THE PROPERTY.

#1462-171

*Lawrence A. Capes*  
LAWRENCE A. CAPES, R.F.S.  
Nov. 28, 1983



00066