

ORDINANCE NO. 2068
File No. 1462-172

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 COMMERCIAL WITH THE FOLLOWING STIPULATIONS: (1) NO OUTSIDE SALES AND STORAGE IS PERMITTED; (2) ACCESS SHALL BE PROVIDED FROM MILITARY PARKWAY TO HICKORY TREE ROAD THROUGH THE SITE AS SHOWN ON THE SITE PLAN PRESENTED WITH THE ZONING REQUEST; THE TRACT IS LOCATED SOUTH OF THE MILITARY PARKWAY 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 R-3 to Commercial with the following stipulations: (1) No outside sales and storage is permitted;

00132

(2) Access shall be provided from Military Parkway to Hickory Tree Road through the site as shown on the site plan presented with the zoning request; The tract is located south of the Military Parkway and Scyene Road intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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 10th day of September, A.D., 1984.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Pruge
City Secy

Elland Archer
City Attorne

00133



DON A TIPTON, INC.

CONSULTING ENGINEERS

6330 Belt Line Road Suite C Garland, Texas 75043 (214) 226-2967

FIELD NOTES

Zoning Change

R-3 to Commercial

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, and the Job Badgely Survey, Abstract No. 74, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Southeast line of Scyene Road and the East line of New Peachtree Road

THENCE, Along said Southeast line of Scyene Road the following:

- N. 69° 18' 57"E, a distance of 39.31 feet;
- N. 69° 31' 10"E, a distance of 299.74 feet;
- N. 76° 36' 27"E, a distance of 100.0 feet;
- N. 81° 35' 02"E, a distance of 51.02 feet;
- N. 81° 27' 06"E, a distance of 296.06 feet;
- N. 76° 36' 13"E, a distance of 310.41 feet to the PLACE OF BEGINING , a point for corner;

N. 63° 20' 12"E, a distance of 162.79 feet to the beginning of a curve to the right having a central angle of 6°29'38" and a radius of 1591.54 feet with a back tangent bearing of N 81°10'11"E.

Easterly around said curve a distance of 180.38 feet;

THENCE, S.0°19'49"E, leaving the South line of Scyene Road, a distance of 142.45 feet ;

THENCE, S.45°26'W, a distance of 337.87 feet;

THENCE, S.44°34'E, a distance of 390.0 feet.;

THENCE, S.0°19'49"E, a distance of 474.01 feet;

THENCE, S.44°29'55"W, a distance of 956.94 feet;

THENCE, S.0°32'11"W, a distance of 739.99 feet to the Northwest corner of Valley View Heights Addition

THENCE, S.0°37'28", along the West line of Valley View Heights Addition, a distance of 610.93 feet;

THENCE, S.89°41'43"W, a distance of 66.57 feet;

FIELD NOTES-CONTINUED

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THENCE, N.0°18'17"W, a distance of 1389.0 feet;

THENCE, N.4°42'26"E, a distance of 1091.17 feet;

THENCE, N.20°45'33"E, a distance of 356.65 feet

THENCE, N.28°06'20"E, a distance of 356.65 feet to the PLACE OF BEGINNING and containing 897,849 square feet or 20.612 Acres of Land

Henry Kyle & Gene Shandl

00135

Country Club Mgmt. Inc.

Newgay, Mesquite Rodeo

30' Easement to Brazos River Transmission Electric Cooperative, Inc. (vol 3460 pg 139)

18.824

Robert Hollin, Trustee
Darius East
Joint Venture

SUBJECT PROPERTY

Refused connection
COURTESY R.S.

Contract and Agreement for a 60' Street
(vol 6821 pg 1059)

HICKORY TREE ROAD

L.B.J. - MICHAEL Joint Ventures

Prop ROW

S44°34'E ~ 390.01'
1788.00
S47°45'E ~ 26W
S47°45'E ~ 26W

S0°19'49"E ~ 142.45'

S87°28'43"E ~ 440.06'

Channel Easement
(vol 3804 pg 220)

Wire Fence
P & L Co. Anchor Easmt
(vol 89 pg 0562)

Power Line
N76°36'13"E
310.41'

ROW Mark
N63°20'12"E
162.79' (1/4 Mile)

C.B.A.

22E

Cornerpost Found

Wire Fence

Wire Fence

474.01'
S0°19'49"E

474.01'

474.01'

30' 30'

1788.00

1788.00

1788.00

1788.00

1788.00

1788.00

1788.00

1788.00

1788.00

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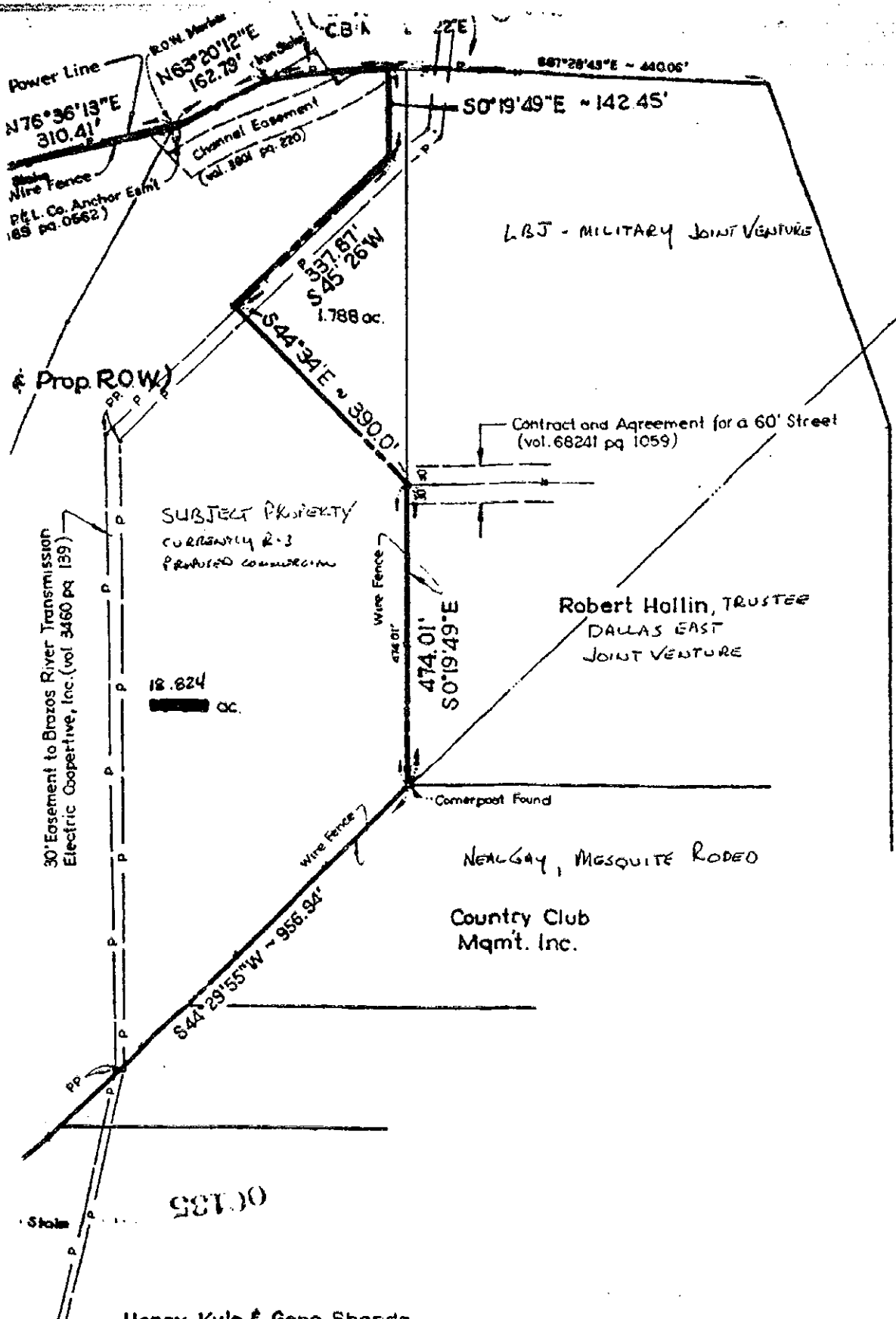
1788.00

1788.00

1788.00

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1788.00



Power Line
 ROW Marker
 N76°36'13"E
 310.41'
 Wire Fence
 P&L Co. Anchor Esmt
 165 pg. 0662

N63°20'12"E
 162.79'
 Channel Easement
 (vol. 1801 pg. 220)

S87°28'43"E ~ 440.06'

S0°19'49"E ~ 142.45'

S57°57'57"
 S45°26'W
 1.788 ac.

LBJ - MILITARY JOINT VENTURES

Prop ROW

Contract and Agreement for a 60' Street
 (vol. 68241 pg. 1059)

SUBJECT PROPERTY
 CURRENTLY R-3
 PROPOSED COMMERCIAL

18.824 ac.

Robert Hollin, TRUSTEE
 DALLAS EAST
 JOINT VENTURE

HICKORY TREE ROAD

NEAL GAY, MESQUITE RODEO

Country Club
 Mgmt. Inc.

00135

Henry Kyle & Gene Shanda

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TREE ROAD

SCYENE ROAD
N69°91'08"E - 289.74'

N76°35'27"E - 1000'
N81°35'02"E - 5100'
N81°35'06"E - 296'

beginning

Overhead Power Line
N69°18'57"E - 545.19'

Wire Fence
S. 40' T.P. & L. Co. Amador Esmt
(vol 68189 p4 0562)
3534 ac

10.540 ac.

41.573 acres (Gross)
3.440 acres (within F)
38.133 acres (Net)

SKYLINE INVESTEK

S89°41'43"W - 726.58'

Wire Fence
N1°01'22"W - 1270.75'

A. 32°59'46"
R. 802.28'
T. 237.62'
L. 462.03'
CB: S16°11'00"W

6887 ac.

FUTURE ROW (Street)
S32°40'53"W - 508.08'

20' Water Main Esmt To
The City Of Mesquite
(vol 632 p4 1543)

A. 17°08'58"
R. 725.0'
T. 109.32'
L. 217.00'
CB: S24°06'24"W

Fox & Jacobs

MEMORIAL BLVD.

#1155-172

N4°42'26"E - 1091.17'

Iron Stake