

ORDINANCE NO. 2143
File No. 1353-22

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 PLANNED DEVELOPMENT RESIDENTIAL TO GENERAL RETAIL ON A .4206 ACRE TRACT LOCATED SOUTHEAST OF THE STATE HIGHWAY 352 AND PIONEER 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 (\$200.00) DOLLARS 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 Planned Development Residential to General Retail on a .4206 acre tract located southeast of the State Highway 352 and Pioneer Road intersection; City of Mesquite, Dallas County Texas, and being more fully described in Exhibit "A" attached hereto.

00251

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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

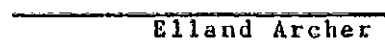
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 4th day of February, A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Eiland Archer
City Attorney

FIELD NOTES
TRACT 4

00255

BEING a tract of land situated in the Thomas Scott Survey, Abst. No. 1353, City of Mesquite, Dallas County, Texas and part of a tract of land as conveyed to R.W. Windham, Trustee, recorded in Volume 82176, Page 1571, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the South line of Scyene Road with the Southeast line of State Highway No. 352; thence South $40^{\circ}34'20''$ West a distance of 73.71 feet to the point of curvature of a circular curve to the right having a central angle of $29^{\circ}45'05''$, a radius of 850.00 feet, a tangent of 225.78, an arc distance of 441.37 feet and a chord that bears North $55^{\circ}26'52''$ East 436.43 feet to the POINT OF BEGINNING;
THENCE: South 18° West a distance of 187.79 feet to the point for a corner at the center line of proposed Scyene Road relocation;
THENCE: North 72° West along the centerline of proposed Scyene Road relocation a distance of 110.00 feet to the point for a corner;
THENCE: North a distance of 104.00 feet to a point on the Southerly R.O.W. line of State Highway 352; said point also being on a circular curve to the left having a central angle of $11^{\circ}19'06''$, a radius of 850.00 feet, a tangent of 84.23 feet and a chord that bears North $75^{\circ}58'58''$ East 167.91 feet;
THENCE: Around said curve in a Northeasterly direction along the Southerly right-of-way line of State Highway 352 an arc distance of 167.91 feet to the POINT OF BEGINNING and containing 0.4206 Acres of land.

Danny E. Osteen
Danny E. Osteen
Registered Public Surveyor No. 4169



Date 12-30-83

Acrey, Roberts & Pierson, Inc.
83-7P-218
December 29, 1983

#1353-22

C0256

$\Delta = 29^{\circ}45'05''$
 $R = 850.00'$
 $T = 225.78'$
 $L = 441.37'$
 $C.B. = N. 55^{\circ}26'52'' E.$
 $436.43'$

$C.B. = N. 75^{\circ}58'58'' E.$
 167.64
 $\Delta = 11^{\circ}19'06''$
 $R = 850.00'$
 $T = 89.25'$
 $L = 167.91'$

STATE HWY. 352

SCYENE RD
Point of Commencing
 $54^{\circ}34'24''$
 $75.71'$

Point of Beginning

TRACT #4
0.4206 Ac.

PROPOSED SCYENE ROAD RELOCATION

PIONEER AD.

NORTH 100'
N. 72° W. 110'
S. 78° W. 187.77'



EAST GLEN ~ MESQUITE, TEXAS

#1353-22

ACREY, ROBERTS & PIERSON, INC.
85-87-230
12/21/83
SCALE: 1" = 100'