

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 PLANNED DEVELOPMENT COMMERCIAL WITH THE FOLLOWING STIPULATIONS: (1) SITE PLAN APPROVAL IS DELEGATED TO THE STAFF AND (2) BUILDING PERMITS WILL BE WITHHELD UNTIL A CORE SAMPLE HAS BEEN REVIEWED BY THE STAFF; THE .16 ACRE TRACT IS LOCATED EAST OF HICKORY TREE ROAD, NORTH OF NUMO MANUFACTURING FRONTING THE WEST SIDE OF I-635; 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 Commercial to Planned Development Commercial with the following stipulations: (1) Site plan approval is delegated to the Staff and (2) Building permits will be withheld until a core sample has been reviewed by the Staff; the .16 acre tract is located east of Hickory Tree Road, north of Numo Manufacturing fronting the west side of I-635; 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 6th day of May, A.D., 1985.

Mrs. Brunhilde Nystrom

Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel

Lynn Prugel
City Secretary

Elland Archer
City Attorney

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TRACT 1

COMMENCING at a point at the intersection of the northerly line of the McKinney and Williams Survey - Abstract No. 1031 and the easterly line of Hickory Tree Road;

THENCE South $0^{\circ}06'50''$ East along said easterly line of Hickory Tree Road a distance of 711.33 feet to a point;

THENCE South $70^{\circ}24'51''$ East a distance of 211.48 feet to a point;

THENCE South $89^{\circ}47'40''$ East a distance of 305.25 feet to an iron rod at the **POINT OF BEGINNING** of the herein described tract;

THENCE South $89^{\circ}47'40''$ East a distance of 55.80 feet to an iron rod for corner in the southwesterly line of LBJ Freeway (I.H. 635);

THENCE South $22^{\circ}24'23''$ East along said southwesterly line of LBJ Freeway a distance of 67.96 feet to a concrete monument at an angle point;

THENCE South $30^{\circ}35'30''$ East continuing along the southwesterly line of LBJ Freeway a distance of 66.67 feet to an iron rod for corner;

THENCE North $89^{\circ}47'40''$ West along the northerly line of a tract of land conveyed to Nuno Manufacturing Co, Inc. by deed filed for record on March 24, 1972 a distance of 60.27 feet to an iron rod for corner;

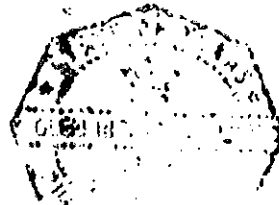
THENCE North $28^{\circ}57'20''$ West a distance of 114.52 feet to an iron rod at an angle point;

THENCE North $0^{\circ}12'20''$ East a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 7,200 square feet, more or less, or 0.1653 acres.

SURVEYOR'S DECLARATION

I hereby declare that this true and accurate survey, made on the ground under my supervision, on June 26, 1984, correctly shows the relation of the property lines of land covered by this survey, and that there are no encroachments or overlaps onto adjoining property of property indicated hereon, except as shown, noted or described on the survey. This survey is subject to any easements not visible on the ground.

J. Richard Bush
Surveyor



#1031-13

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