

ORDINANCE NO. 2173
File No. 1462-178

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 MULTI-FAMILY TO COMMERCIAL; THE THREE (3) ACRE TRACT IS LOCATED GENERALLY NORTH AND WEST OF THE IH-635 AND U.S. HIGHWAY 80 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 Multi-family to Commercial; the three (3) acre tract is located generally north and west of the IH-635 and U.S. Highway 80 intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

L0106

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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

00107

METES AND BOUNDS DESCRIPTION

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

COMMENCING at a point at the most westerly corner of a tract of land conveyed to Irving Klein from J.B. and Florence Gallaway by deed recorded in Volume 71065, Page 1375, Deed Records, Dallas County, Texas, said point also being in the southerly line of a tract of land conveyed to Dallas Power and Light Company by deed recorded in Volume 5547, Page 30, Deed Records, Dallas County, Texas;

THENCE South $44^{\circ}40'28''$ West, along said southerly line, a distance of 41.58 feet to an angle point;

THENCE South $74^{\circ}47'23''$ West, continuing along said southerly line, a distance of 292.68 feet to THE POINT OF BEGINNING;

THENCE South $4^{\circ}35'00''$ East, departing said southerly line, a distance of 515.00 feet to a point for a corner;

THENCE South $86^{\circ}22'00''$ West, a distance of 238.74 feet to a point for a corner;

THENCE North $13^{\circ}18'32''$ West, a distance of 458.51 feet to a point for a corner on the said southerly line of the D.P. & L. tract;

THENCE North $74^{\circ}47'23''$ East, along said southerly line, a distance of 313.65 feet to the POINT OF BEGINNING AND CONTAINING 133,333 square feet or 3.0609 acres of land more or less.

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ANNIE G. RIGGS

POINT OF COMMENCING

DALLAS POWER & LIGHT CO.
N 74° 47' 23" E
313.65'

S 44° 40' 26" W
21.58'

IRVING KLEIN

POINT OF BEGINNING

SOUTH MESQUITE CREEK
(APPROXIMATE FLOODWAY BOUNDARY)

3.0609 AC.
133,353 SQ. FT.

N 13° 18' 32" W
458.51'

S 04° 56' 40" S
515.00'

238.74'
S 66° 22' 00" W

367.75'

N 53° 43' 05" W - 314.75'

N 47° 07' 01" W
97.82'

N 27° 19' 42" W - 270.75'

N 33° 24' 23" W
161.92'

S 34° 28' 32" E
582.27'

SCALE
1" = 200'

S 53° 05' 40" S
156.751'

N 20° 48' 46" S
191.802'

I. H. 635

746.67'

S 76° 11' 28" W

S 40° 31' 35" W
145.09'

BOUNDARY SKETCH

OF A
3.0609 AC. TRACT
OUT OF THE
DANIEL TANNER LEAGUE SURVEY
ABSTRACT 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS
BY
ALBERT H. HALFF ASSOCIATES INC. - ENGINEERS

1122-178