

ORDINANCE NO. 2176  
File No. 1353-26

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-1 AND R-3 SINGLE FAMILY TO PLANNED DEVELOPMENT LIGHT COMMERCIAL ON THAT PORTION OF THE TRACT NORTH OF THE EXTENSION OF MCLEAD DRIVE IN AN EASTERLY DIRECTION, AND EVERYTHING SOUTH OF THAT LINE OF THE EXTENSION OF MCLEAD DRIVE SHALL BE ZONED INDUSTRIAL WITH THE STIPULATION THAT ACCESS TO THE INDUSTRIAL AREA CAN ONLY BE PROVIDED FROM MCLEAD DRIVE; THE 15.88 ACRE TRACT IS LOCATED EAST AND SOUTH OF STATE HIGHWAY 352 AND NORTH OF THE TEXAS AND PACIFIC RAILROAD; 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 R-1 and R-3 Single Family to Planned Development light commercial on that portion of the tract north of the

extension of McLead Drive in an easterly direction, and everything south of that line of the extension of McLead Drive shall be zoned Industrial with the stipulation that access to the Industrial area can only be provided from McLead Drive; the 15.88 acre tract is located east and south of State Highway 352 and north of the Texas and Pacific Railroad; 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 20th day of May, A.D., 1985.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

  
Elland Archer  
City Attorney

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PROPERTY DESCRIPTION

BEING 15.88 acres of land situated in Dallas County, Texas, and being out of the THOMAS SCOTT SURVEY, ABSTRACT # 1353, and being a part of a 104.46 acre tract conveyed to P. W. LEWIS by MRS. JOSIE CHASE, by deed recorded in Volume 1064, page 122, DEED, and being more particularly described as follows:

BEGINNING at an iron rod found at the intersection of the South line of State Highway # 183 (called Mesquite Cut off) and the West line of the 104.46 acre tract;  
THENCE S 00°03'04" W, a distance of 235.83' to an iron rod set for corner, being the Northwest corner of a 6.48 acre tract heretofore conveyed;  
THENCE S 81°10'31" E, a distance of 578.88' to an iron rod found for corner, being the Northeast corner of said 6.48 acre tract;  
THENCE S 00°19'16" W, a distance of 476.81' to an iron rod found for corner, being the Southeast corner of said 6.48 acre tract;  
THENCE N 83°22'53" W, a distance 124.0' to an iron rod set for corner;  
THENCE S 08°39'26" W, a distance 15.21' to an iron rod found for corner in the North R.O.W. line of the T. & P. Railroad;  
THENCE S 83°17'44" E, along said T. & P. Railroad R.O.W., a distance of 150.86' to a fence post for corner;  
THENCE N 05°17'15" E, a distance of 49.78' to a fence post for corner;  
THENCE S 83°22'56" E, with said T. & P. Railroad R.O.W., a distance of 321.0' to an iron rod set for corner;  
THENCE N 00°23'05" E, a distance of 380.51' to an iron set for corner;  
THENCE N 04°44'00" W, a distance of 1389.01' to an iron rod found for corner in the Southeast line of said Highway # 183;  
THENCE S 40°00'04" W, along said Highway # 183, a distance of 488.15' to an iron rod found for corner;  
THENCE S 00°02'53" W, a distance of 657.13' to a point for corner;  
THENCE N 81°29'59" W, a distance of 496.01' to the POINT OF BEGINNING and containing 691,734.374 square feet or 15.88 acres of land.

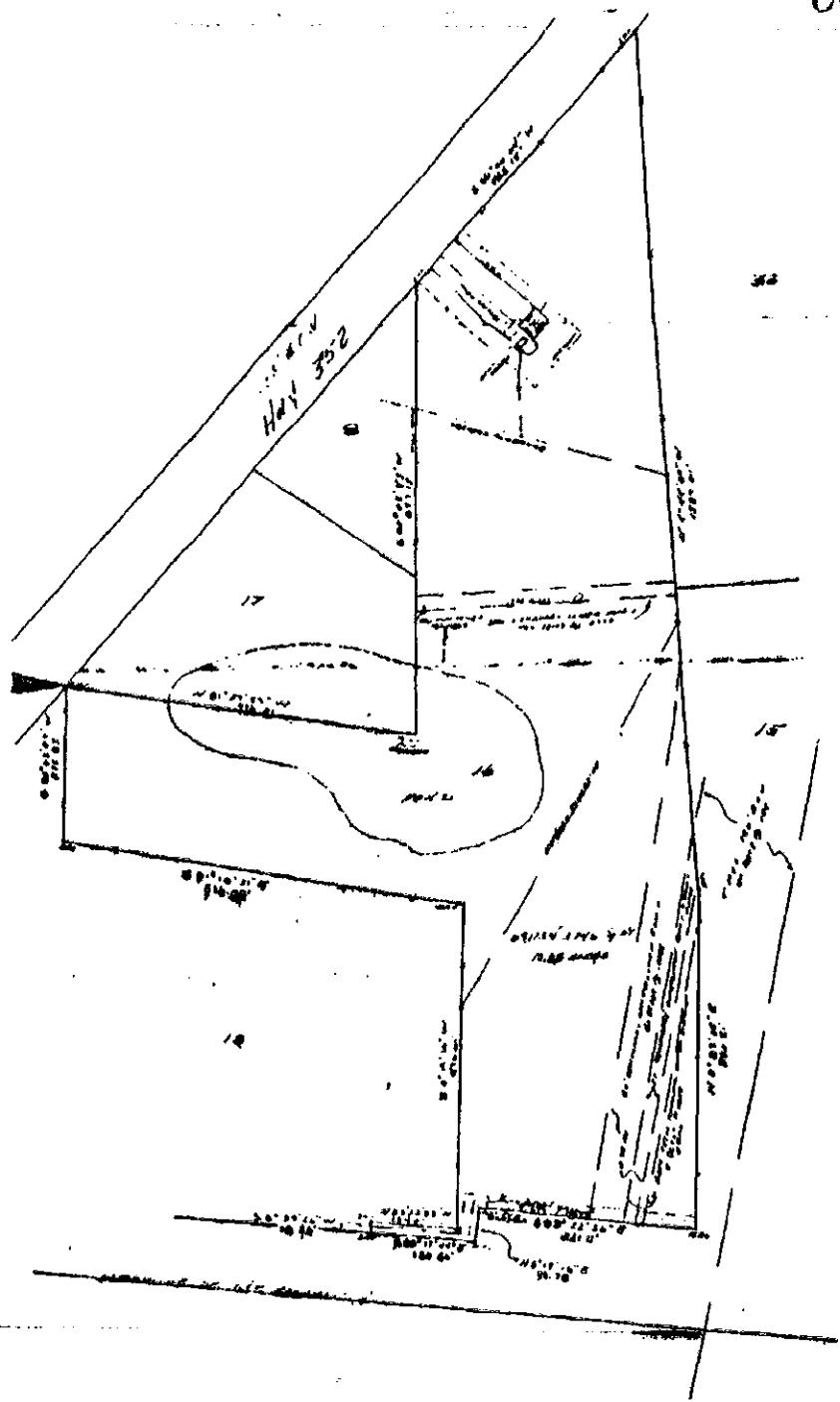
SURVEYOR'S CERTIFICATE

The undersigned Registered Public Surveyor (the "Surveyor") hereby certifies that (a) this plat of survey and the property description set forth hereon are true and correct and were prepared from an actual on-the-ground survey of the real property (the "Property") shown hereon; (b) such survey was conducted by the Surveyor or under his supervision; (c) all monuments shown hereon actually exist and the location, size and type of material thereof are correctly shown; (d) except as shown hereon, there are no encroachments onto the Property or protrusions therefrom, there are no improvements on the Property, there are no visible easements or rights-of-way on the Property, and there are no visible discrepancies, conflicts, shortages in area, or boundary line conflicts; (e) the size, location and type of improvements are as shown hereon, and all are located within the boundaries of the Property and set back from the Property lines the distance indicated; (f) the distance from the nearest intersecting street or road is as shown; (g) the Property has access to and from a public roadway; (h) all recorded easements have been correctly platted hereon; and (i)

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