

ORDINANCE NO. 2216
File No. 340-5

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 FOR PATIO HOMES TO GENERAL RETAIL WITH THE STIPULATION THAT A HOLD HARMLESS AGREEMENT BE PROVIDED; THE 5.2 ACRE TRACT IS LOCATED GENERALLY NORTH AND EAST OF THE BRUTON ROAD AND I-635 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 for Patio Homes to General Retail with the stipulation that a Hold Harmless Agreement be provided; the 5.2 acre tract is located generally north and east of the Bruton Road and I-635 intersection; 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 16th day of September A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

FIELD NOTES

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BEING, a 5.2104 acre tract of land situated in the A. Chumley Survey, Abstract No. 340, City of Mesquite, Dallas County, Texas, and being a part of a certain tract of land described by deed to Robert E. Lamb and Joe C. Pritchett, dated April 5, 1963, and recorded in Volume 16, Page 0108 of the Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING, at a 5/8-inch iron rod found on the north right-of-way line of Bruton Road (100 foot right-of-way) at its intersection with the easterly corner of a called 1.8 acre tract of land described by deed to the state of Texas under judgement in Cause No. 50-201-C, County Court at Law No. 3, recorded in Volume 67230, Page 1261, Deed Records, Dallas County, Texas; thence North 20° 14' 50" West with the east right-of-way line of I. H. 635 a distance of 220.98 feet to a 1/2-inch iron with cap found for corner; North 29° 33' 25" West, with said east right-of-way line a distance of 385.00 feet to a 1/2-inch iron rod with cap found for corner; thence, North 21° 41' 59" West, with said east right-of-way line, a distance of 24.22 feet to a 1/2-inch iron rod to the POINT OF BEGINNING;

THENCE, North 21° 41' 59" West, with said right-of-way line, a distance of 272.35 feet to a point for corner;

THENCE, South 89° 58' 19" East, a distance of 887.57 feet to a point for corner;

THENCE, South 26° 12' 01" East, a distance of 257.67 feet to a point for corner;

THENCE, South 63° 47' 59" West, a distance of 49.47 feet to a point for corner;

THENCE, North 89° 58' 19" West, a distnace of 856.25 feet to the POINT OF BEGINNING and containing 5.2104 Acres (226,967 Sq. Ft.) of land.

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