

ORDINANCE NO. 2231
File #1462-181

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 GENERAL RETAIL TO PLANNED DEVELOPMENT/COMMERCIAL WITH THE STIPULATION THAT AN 8 FOOT SOLID SCREENING FENCE CONSTRUCTED OF A MATERIAL APPROVED BY THE DEVELOPMENT REVIEW COMMITTEE, BE REQUIRED; THE SUBJECT 1.17 ACRE TRACT IS LOCATED 735 FEET EAST OF THE US HIGHWAY 80 AND SANTA MARIA DRIVE INTERSECTION, FRONTING THE SOUTH SIDE OF US HIGHWAY 80; 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 General Retail to Planned Development/Commercial with the stipulation that an 8 foot solid screening fence constructed of a material approved by the Development Review Committee, be required. The subject 1.17 acre tract is located 735 feet east of the US Highway 80 and Santa Maria Drive intersection, fronting the south side of US Highway 80; 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.

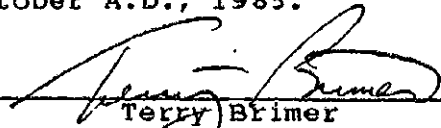
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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 7th day of October A.D., 1985.



Terry Brimer
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:



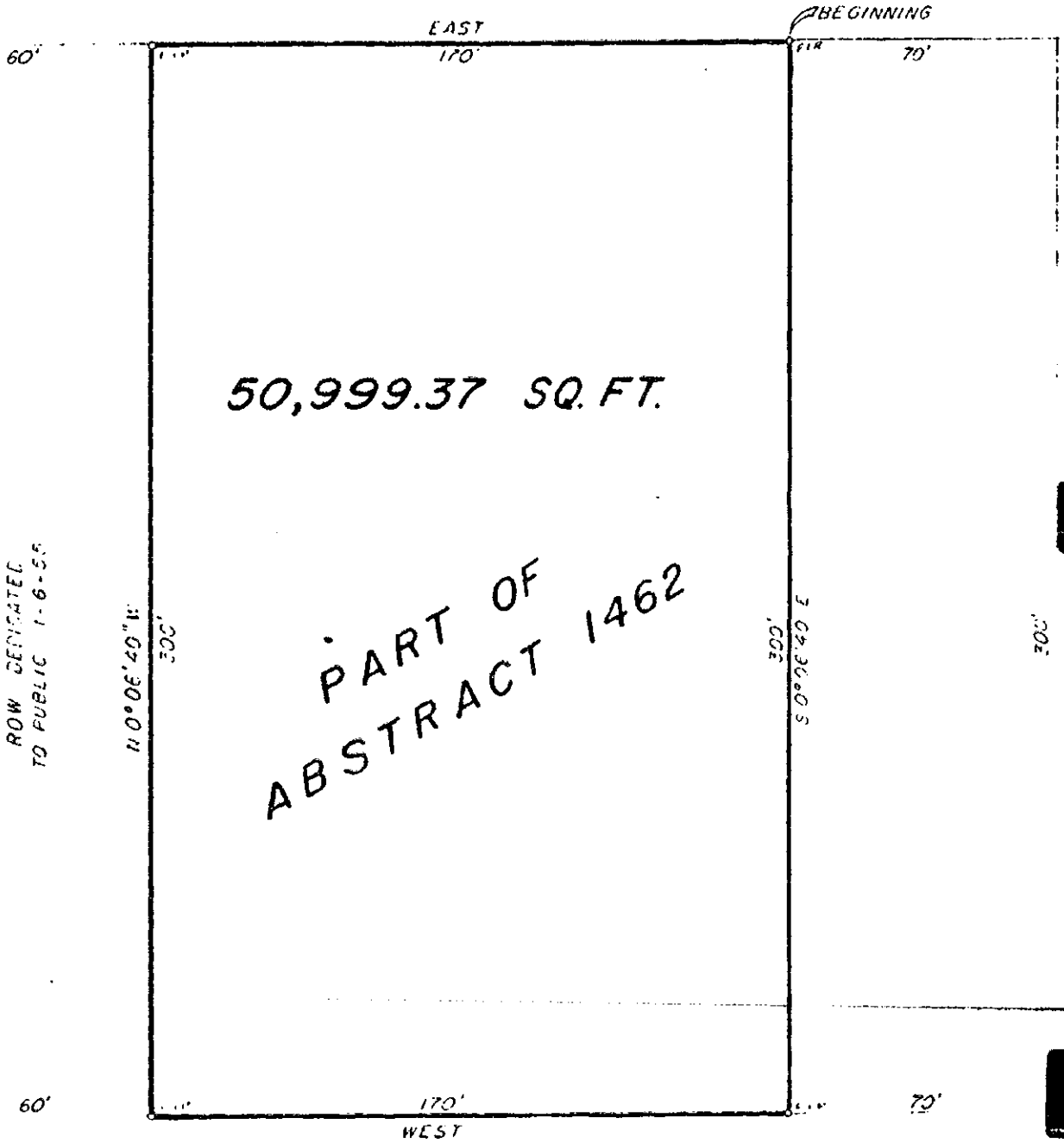
Lynn Prugel
City Secretary

Elland Archer
City Attorney

00320

ERSTATE HIGHWAY 20

U.S. HIGHWAY



50,999.37 SQ. FT.

PART OF
ABSTRACT 1462

ROW DEDICATED
TO PUBLIC 1-6-55

110°06'40" W
300'

300'
S 0°06'40" E

300'

1462-121

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

THIS IS TO CERTIFY that I have, this date, made a careful survey on the ground of property described as follows, to wit:

Being all that certain lot, tract, or parcel of land situated in the City of Mesquite, Dallas County, Texas, out of the DANIEL FANNER SURVEY, ABSTRACT NO. 1462, and being part of a certain 38.23 acre tract of land conveyed to Thomas A. Dean by J. L. Dean and wife Mary E. Dean by Deed recorded in Volume 1606, Page 526 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at 5 1/2" iron rod for corner in the South Line of U. S. Highway 80, said point being 310 feet West of the Northwest corner of a tract of land conveyed to Joyce Dean Kincaid by Thomas A. Dean and wife Laura Drew Dean recorded in Volume 3096, Page 232 of the Deed Records of Dallas County, Texas;

THENCE South 0° 06' 40" East, 500 feet to an iron pipe for corner;

THENCE West, parallel with U. S. Highway 80, 170 feet to an iron pipe for corner at the Southeast corner of a tract of land dedicated for right of way to the public by Thomas A. Dean et ux Laura Drew Dean, Dated January 6, 1959 of the Deed Records of Dallas County, Texas;

THENCE North 0° 06' 40" West with the East Line of said right of way tract, 500 feet to an iron pipe for corner in the South Line of U. S. Highway 80;

THENCE East along said Highway, 170 feet to the place of BEGINNING and containing 30,999.37 Square feet of land.

The plat hereon is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat, the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown.

Scale 1" = 30'	WO No. 37652
Date 9-18-85	Inv No. 35741

By Don Parish
 DON PARISH
 Registered Public Surveyor
 PARISH SURVEYORS, INC. 381-1156
 7800 Military Parkway, Dallas, Texas 75227



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