

ORDINANCE NO. 2245
File #1462-183

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 SERVICE STATION TO COMMERCIAL WITH THE STIPULATION THAT THE PUMPS AND STORAGE TANKS, BOTH ABOVE AND BELOW GROUND, BE REMOVED; ON A 0.57 ACRE TRACT LOCATED SOUTHWEST OF THE U.S. HIGHWAY 80 AND RAYBURN AVENUE INTERSECTION; FRONTING THE SOUTH SIDE OF THE U.S. HIGHWAY 80 SERVICE ROAD; 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

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zoning from Service Station to Commercial with the stipulation that the pumps and storage tanks, both above and below ground, be removed; on a 0.57 acre tract located southwest of the U.S. Highway 80 and Rayburn Avenue intersection; fronting the south side of the U.S. Highway 80 service road; 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.

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DULY PASSED AND APPROVED by the City Council of the City of
Mesquite, Texas on the 4th day of November A.D., 1985.



Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

00028

D 479051 1-05M

SCHEDULE A

File No.: **CF# W-153812** pc Owner Policy No.: **T 439831 1-050**
 Date of Policy: **December 27, 1979** Amount: \$ **27,385.00**
 Name of Insured **TOMMY WHITE TIRE & AUTOMOTIVE, INC.**

1. The estate or interest in the land insured by this policy is: **Fee Simple**

2. The land referred to in this policy is described as follows:

Situated in Dallas County, Texas and being in the DANIEL TANNER SURVEY, ABSTRACT NO. 1462 and also being a part of LOTS 13 and 14 of MILES SMITH ADDITION to the City of Mesquite, Texas and being more fully described as follows:

BEGINNING at the Southwest corner of the intersection of U.S. Highway 80 (IH20) and Rayburn Avenue, said point being an iron rod found for corner;
 THENCE South 89 deg. 31 min. West along the South line of U.S. Hwy. 80 (IH 20) 150.00 feet to a railroad spike set for corner;
 THENCE South 0 deg. 29 min. East and parallel to Rayburn Avenue, 165.63 feet to an iron rod set for corner;
 THENCE North 89 deg. 31 min. East and parallel to U.S. Hwy. 80 (IH 20) 150.00 feet to an iron pipe found for corner in the West line of Rayburn Avenue;
 THENCE North 0 deg. 29 min. West along the West line of said Rayburn Avenue, 165.63 feet to the place of beginning and being the same property described in Deed from Kaproco, Inc., a Delaware Corp. to B.W. Cruce, Jr., dated December 1, 1972, filed December 15, 1972 and recorded in Volume 72243, page 0516 of the Deed Records of Dallas County, Texas.

SAVE AND EXCEPT that portion situated in the Daniel Tanner Survey, Abstract 1462 and in the City of Mesquite, Dallas County, Texas. Being a 410 square foot tract of land, more or less, out of a 0.570 acre tract which was conveyed to B.W. Cruce, Jr., Inc. by deed recorded in Volume 73196, page 0746 Deed Records of said County; and said 410 square foot tract of land being more particularly described as follows:

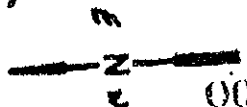
BEGINNING at the point of intersection of the South right of way line of U.S. 80 and the West right of way line of Rayburn Avenue which bears 165.63 feet North 00 deg. 30 min. 33 sec. West of the Southeast corner of said 0.570 acre tract;
 THENCE South 00 deg. 30 min. 33 sec. East along the West line of Rayburn Avenue for a distance of 6.40 feet to a point;
 THENCE North 87 deg. 20 min. 48 sec. West for a distance of 75.26 feet;
 THENCE North 88 deg. 47 min. 06sec. West for a distance of 74.89 feet to the North west corner of said 0.570 acre tract;
 THENCE North 89 deg. 29 min. 27 sec. East along the South right of way line of U.S. 80 for a distance of 150 feet to the place of beginning.

White "A"

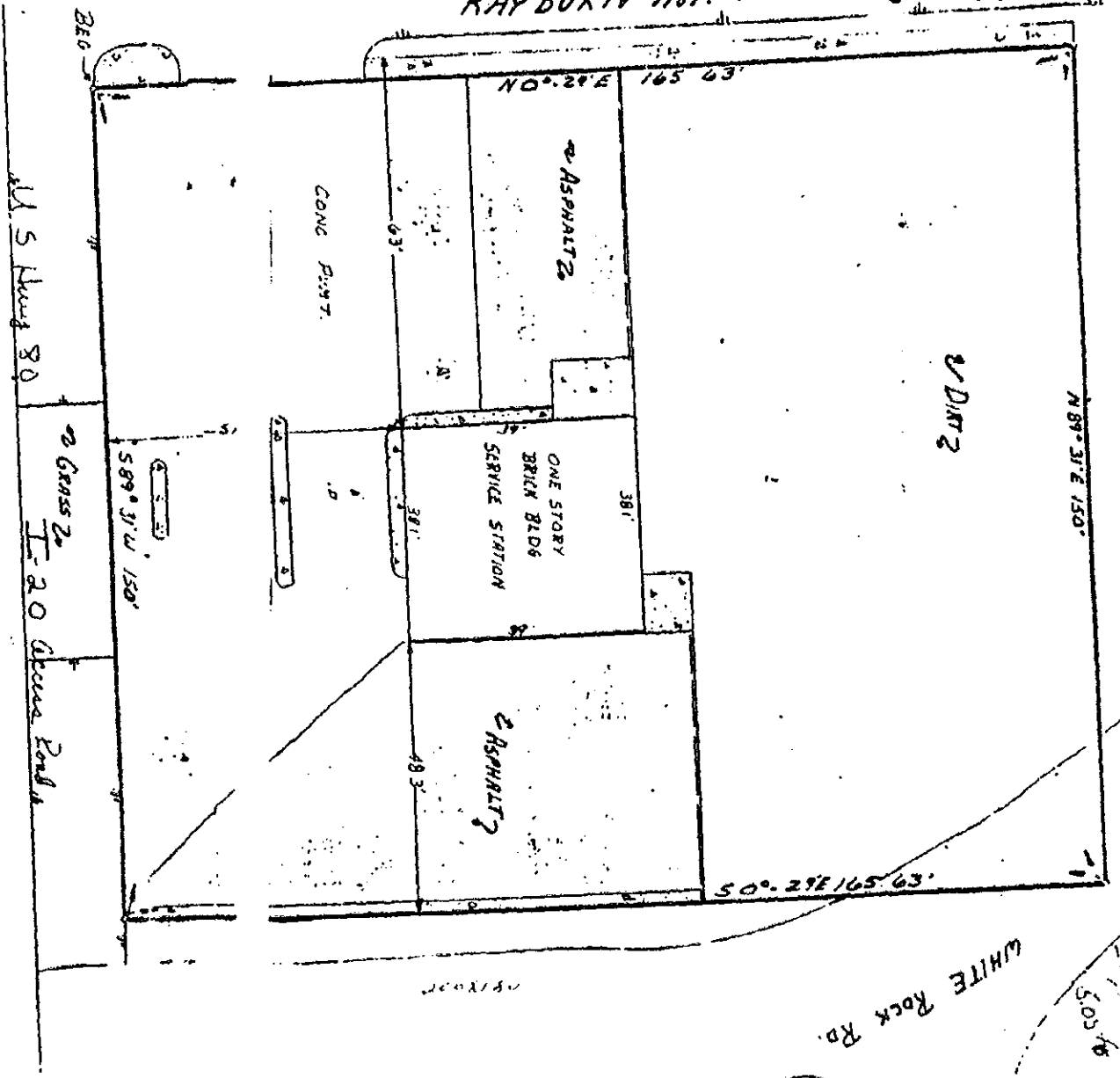
8 4 7 0 0

RAYBURN Av.

SCALE: 1" = 20'



00029



WHITE Rock Rd.

5.05' 46

Exhibit "A"

00248

00030

