

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 GENERAL RETAIL ON THE FRONTAGE ALONG SH 352, 200 FEET IN DEPTH AND; PLANNED DEVELOPMENT LIGHT COMMERCIAL ON THE REMAINDER OF THE TRACT, WITH THE STIPULATION THAT NO OUTSIDE STORAGE IS ALLOWED; THE 10.855 ACRE TRACT IS LOCATED AT THE NORTHEAST CORNER OF SH 352 AND LONG CREEK 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 zoning from R-1 and R-3 Single Family to General Retail on the frontage along SH 352, 200 feet in depth and; Planned Development Light Commercial on the remainder of the tract, with the stipulation that no outside storage is allowed; the 10.855 acre tract is located at the northeast corner of SH 352 and Long Creek Road; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

00212

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 3rd day of February A.D., 1986.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney

## DESCRIPTION OF PROPERTY:

BEING, a tract of land situated in the Thomas Scott Survey, Abstract No. 1353, City of Mesquite, Dallas County, Texas, and being part of a 30 acre tract of land conveyed to M. E. Lawrence by deed recorded in Volume 1456 at page 518 of the Deed Records Dallas County, Texas, and being more particularly described as follows:

BEGINNING, at the North corner of Long Creek Road, as described by Quit Claim Deed Conveyed by M. E. Lawrence, et vir to Dallas County, recorded in Volume 1694 at page 546 of the Deed Records Dallas County, Texas, said point being in the Southeasterly line of State Highway No. 352 (a 100 foot R.O.W.) as described in Quit Claim Deed conveyed by M. E. Lawrence et vir, to Dallas County recorded in Volume 1647 at page 618 of the Deed Records of Dallas County, Texas;

THENCE, North 39 deg. 49 min. 42 sec. East, with the Southeasterly line of Highway No. 352, same being with a fence line a distance of 1276.34 feet to an iron rod found in the East line of M. E. Lawrence 30 acre tract;

THENCE, South with the East line of M. E. Lawrence 30 acre tract, same being with a line 16 feet West of and parallel with the East line of the Thomas Scott Survey, a distance of 1,042.29 feet to an iron rod found in the North line of Long Creek Road;

THENCE, South 73 deg. 48 min. 42 sec. West, with the North line of Long Creek, a distance of 120.0 feet to an iron rod set at an angle point;

THENCE, South 86 deg. 11 min. 05 sec. West, continuing with the North line of Long Creek Road, a distance of 122.36 feet to an iron rod set at an angle point;

THENCE, North 89 deg. 59 min. 42 sec. West, continuing with the North line of Long Creek Road, a distance of 144.89 feet to an iron rod set at the Northeast corner of Long Creek Road, as described by said Quit Claim Deed, said point being at the beginning of a curve to the right;

THENCE, Northwesterly with the North line of Long Creek Road, and with said curve to the right, having a central angle of 11 deg. 00 min. 00 sec. and a radius of 1402.4 feet an arc length of 269.24 feet to an iron rod set at the end of said curve;

THENCE, North 78 deg. 59 min. 42 sec. West, with the North line of Long Creek Road, a distance of 153.18 feet to an iron rod set at the beginning of a curve to the right;

THENCE, Northwesterly with said curve to the right having a central angle of 118 deg. 49 min. 24 sec. and a radius of 30 feet an arc length of 62.22 feet to the Place of Beginning and containing 10.855 acres of land.

