ORDINANCE NO. 2290 File No. 1461-91

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 20NING FROM A-1 MULTIFAMILY TO PLANNED DEVELOPMENT/GENERAL RETAIL; THE 2.89 ACRE TRACT IS LOCATED EAST OF THE DALLAS POWER & LIGHT RIGHT-OF-WAY, MIDWAY BETWEEN 1.H. 635 AND NORTHWEST DRIVE; 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 PROVI-SIONS 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 DEVELOP-MENT OF THE LAND BEING DEVELOPED IN CON-FORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDI-NANCES; 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 granting of zoning change under the Zoning Ordinance Regulations Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full an fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of topinion that the change of zoning may be granted herein:

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CIT OF MESQUITE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, o the 4th day of September, 1973, be and the same is hereby amended amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from A-1 Multifamily to Planned Development/Gene Retail; the 2.89 acre tract is located east of the Dallas Power & Light right-of-way, midway between I.H. 635 and Northwest Drive; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

OC296 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 porticis 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 thi 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 21st day of April A.D., 1986.

Mrs. Brunhilde Nystrom

Mayor

ATTEST:

APPROVED AS TO FORM:

Inn Prugel
City Secretary

Elland Archer City Attorney Being 2.8945 acres of land situated in the Theopalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being part of the 100 acre tract of land described in a deed to R. Guy Carter as recorded in Volume 4083, Page 455 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at a point in the Southeast line of Oates Drive (100' R.O.W.) at the intersection of said line with the East line of the Dallas Power and Light Company R.O.W. Reference Volume 5458, Page 218 of the Deed Records of Dallas County, Texas;

THENCE North 44'58'27" East, along the Southeast line of Oates Drive, 285.42 ft. to a point for corner;

THENCE South 44'54'20" East, along the Southwest line of a tract described in a Deed to the Ayrshire Corporation as recorded in Volume 79207, Page 1251 of the Deed Records of Dallas County, Texas, 883.50 ft. to a point for corner; in the east line of the aforesaid Dallas Power and Light Company R.O.W.

THENCE North 62'49'13" West, along the said Dallas Power and Light Company R.O.W. line, 927.89 ft. to the point of Beginning and containing 2.8945 Acres (126,083 Sq. Ft.) of land.

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