

ORDINANCE NO. 2299
File No. 1461-92

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 LIGHT COMMERCIAL TO A CONDITIONAL USE IN LIGHT COMMERCIAL FOR OUTDOOR SALES, A NEW CAR DEALERSHIP ALLOWING BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY TO BE ISSUED PRIOR TO THE CONSTRUCTION OF WOODDED LAKE DRIVE; THE THREE (3) ACRE TRACT IS LOCATED NORTH OF THE NORTH GALLOWAY AVENUE 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 Light Commercial to a Conditional Use in Light Commercial for Outdoor Sales, a new car dealership allowing building permits and Certificates of Occupancy to be issued prior to the construction of Woodded Lake Drive. The three (3) acre tract is located north of the North Galloway Avenue and I-635 intersection; 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.

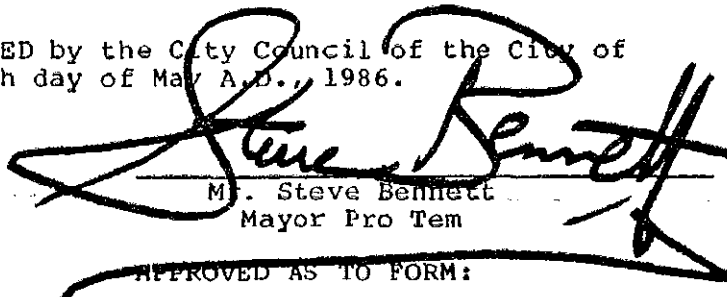
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

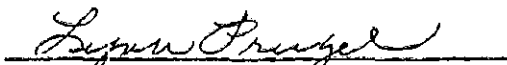
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 19th day of May A.D., 1986.


M. Steve Bennett
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

OWNER'S CERTIFICATE

STATE OF TEXAS :
 COUNTY OF DALLAS:
 MARRAS,

is the owner of a tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas being a part of a 100 acre tract of land conveyed to R. Guy Carter, recorded in Volume 4083, Page 455, Deed Records of Dallas County, Texas and being more particularly described as follows:

Addn.
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 BEGINNING at an iron rod found for corner in the East line of Interstate Highway 635, said point being the Northwest corner of a 100' T. P. & L. Easement as recorded in Volume 1282, Page 477; Volume 1372, Page 120; Volume 874, Page 148 (Width stated by T. P. & L. Employee-width undefined by instrument);

THENCE North 48° 05' 48" East, leaving the said East line of Interstate Highway 635, a distance of 177.38 ft. to an iron rod set for corner;

THENCE South 45° 03' 43" East, a distance of 573.07 ft. to an iron rod set for corner in the proposed Northwest line of Wooded Lake Drive (60' R.O.W.);

THENCE South 39° 44' 55" West, along the said proposed Northwest line of Wooded Lake Drive, a distance of 46.45 ft. to an iron rod set for corner;

THENCE North 86° 34' 45" West, leaving the said proposed Northwest line of Wooded Lake Drive, a distance of 453.93 ft. to an iron rod set for corner in the said East line of Interstate Highway 635;

THENCE North 10° 32' 11" West, along the said East line of Interstate Highway 635, a distance of 300.00 ft. to the POINT OF BEGINNING and containing a gross area of 3.000 Acres (130,680 Sq. Ft.), less 0.4832 Acres (21,049 Sq. Ft.) in Texas Power and Light Company easement, leaving a net area of 2.5168 Acres (109,631 Sq. Ft.) of land.

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