

ORDINANCE NO. 2325  
File No. GCE-1

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 PLANNED DEVELOPMENT (1427) SINGLE FAMILY TO GENERAL RETAIL WITH THE STIPULATION THAT THE ZONING WILL NOT TAKE EFFECT UNTIL THE SITE IS PLATTED WITH THE OVERALL RETAIL SITE TO THE WEST; THE SUBJECT .2322 ACRE TRACT IS LOCATED ON THE NORTH SIDE OF TOWN EAST BOULEVARD BETWEEN NORTH GALLOWAY AVENUE AND VIA DEL NORTE; 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 Planned Development (1427) Single Family to General Retail with the stipulation that the zoning will not take effect until the site is platted with the overall retail site to the west; the subject .2322 acre tract is located on the north side of Town East Boulevard between North Galloway Avenue and Via Del Norte; 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.

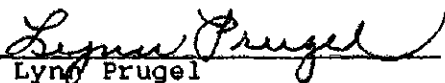
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 4th day of August A.D., 1986.

  
\_\_\_\_\_  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

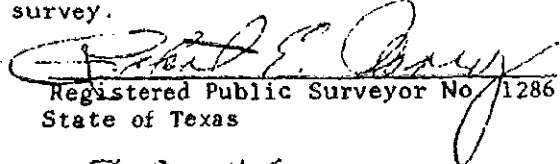
\_\_\_\_\_  
Elland Archer  
City Attorney

FIELD NOTES

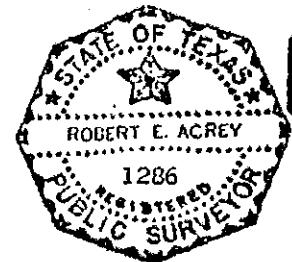
BEING a tract of land situated in the City of Mesquite, Dallas County, Texas, and being part of Lot 22, Block 4, Green Canyon Estates Addition recorded in Volume 80054, Page 0172, Deed Records Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod in the North line of Town East Blvd. (90 ft. R.O.W.) said point being the Southwest corner of Lot 22, Block 4;  
THENCE North 42°00'30" West a distance of 204.87 ft. to an iron rod for a corner;  
THENCE North 57°06'30" East a distance of 50.0 ft. to an iron rod for a corner;  
THENCE South 42°00'30" East a distance of 204.87 ft. to an iron rod for a corner;  
THENCE South 57°06'30" West a distance of 50.0 ft. along the North line of Town East Blvd. to the POINT OF BEGINNING and containing 0.2322 acres (10,114 sq. ft.) of land.

To any Person, firm or corporation relying upon the accuracy of this survey or plat, I, Robert E. Acrey, Registered Public Surveyor, State of Texas, do certify that this plat represents measurements performed upon the ground under my supervision, and indicates all set back lines, easements, and fences as they are visible on the ground, and that all improvements, if any, are wholly within the boundary lines of the property, that there are no encroachments, conflicts, protrusions, or overlapping of improvements except as shown hereon. This is a true and correct survey.

  
Registered Public Surveyor No. 1286  
State of Texas

7-2-66  
Date



# GCE-1

00297

**FIELD NOTES**

Survey of Lot 22, Block 1, of the City of Mesquite, Dallas County, Texas, was made on the 22nd day of August, 1935, by the undersigned, and being more particularly described as follows:

Beginning at an iron nail in the south line of Town East Blvd., (pp. 67, 200-4.)

thence north 17°00'00" west a distance of 204.87 ft. to an iron nail set a corner;

thence north 42°00'30" east a distance of 204.87 ft. to an iron nail set a corner;

thence south 17°00'00" west a distance of 204.87 ft. along the south line of Town East Blvd., to the center of a circular well containing 1.212 acres (29.31' ac. of 1/2) of land.

In my former file of completion relating to the survey of this survey of Lot 22, Block 1, of the City of Mesquite, Dallas County, Texas, of 1935, the certificate of completion was filed in the public records of Dallas County, Texas, and being more particularly described as follows:

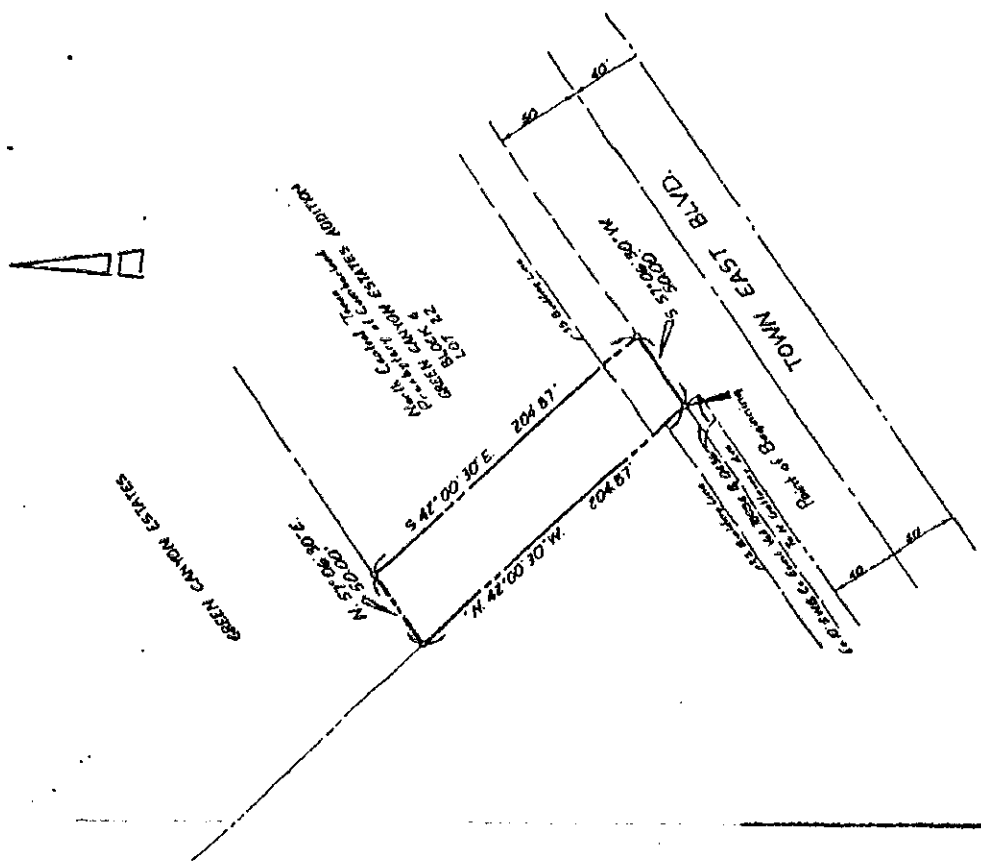
Beginning at an iron nail in the south line of Town East Blvd., (pp. 67, 200-4.)

thence north 17°00'00" west a distance of 204.87 ft. to an iron nail set a corner;

thence north 42°00'30" east a distance of 204.87 ft. to an iron nail set a corner;

thence south 17°00'00" west a distance of 204.87 ft. along the south line of Town East Blvd., to the center of a circular well containing 1.212 acres (29.31' ac. of 1/2) of land.

*L. E. Roberts*  
 Registered Public Surveyor No. 1335  
 State of Texas  
 7-8-35



1-309 #

BOUNDARY SURVEY 2322 ACRE SURVEY MESQUITE, TEXAS	
DATE	7-8-35
BY	L. E. Roberts
NO. OF PAGES	1
FILE NO.	86-5A-099

**ACREY ROBERTS PIERSON INC.**  
 9250 ABRAMS ROAD SUITE 408  
 DALLAS TEXAS 75116  
 (214) 699-7916

**arp** consulting engineers

NO.	REVISION	DATE

00208