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ORDINANCE NO. 2326
File No. 74-16

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 LIGHT COMMERCIAL TO CONDITIONAL USE IN PLANNED DEVELOPMENT LIGHT COMMERCIAL FOR A PRIVATE CLUB WITH THE STIPULATION THAT THE OPERATION OF THE PRIVATE CLUB IS ONLY ALLOWED IN CONJUNCTION WITH THE THEATRE OPERATION; IF THE THEATRE GOES OUT OF BUSINESS, THE PRIVATE CLUB MAY NO LONGER OPERATE; THE SUBJECT 4.00 ACRE TRACT IS LOCATED SOUTHWEST OF THE HICKORY TREE ROAD AND RODEO DRIVE INTERSECTION, FRONTING THE SOUTH SIDE OF RODEO 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 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 Light Commercial to Conditional Use in Planned Development Light Commercial for a Private Club with the stipulation that the operation of the private club is only allowed in conjunction with the theatre operation; if the theatre goes out of business, the private club may no longer operate; the subject 4.00 acre tract is located southwest of the Hickory Tree Road and Rodeo Drive intersection, fronting the south side of Rodeo Drive; 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 18th day of August A.D., 1986.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

OC214

STATE OF TEXAS:
COUNTY OF DALLAS:

BEING a tract of land in the JOB BADGLEY SURVEY, ABSTRACT NO. 74, and being part of a 28.13 acre (net) tract of land conveyed from Arland L. Ward to Neal Gay by deed recorded in Volume 84081, Page 0852, Deed Records of Dallas County, Texas and being more particularly described as follows:

Commencing from an iron rod on the West line of Hickory Tree Road, North $00^{\circ}01'45''$ East, 60.00 feet from a 1.1 acre tract of land conveyed to W. H. Lester by deed recorded July 28, 1947, Deed Records of Dallas County, Texas, THENCE: South $89^{\circ}45'15''$ West, 382.66 feet to an iron rod for a corner at THE POINT OF BEGINNING;

THENCE: South $89^{\circ}45'15''$ West, 271.00 feet to an iron rod for a corner;

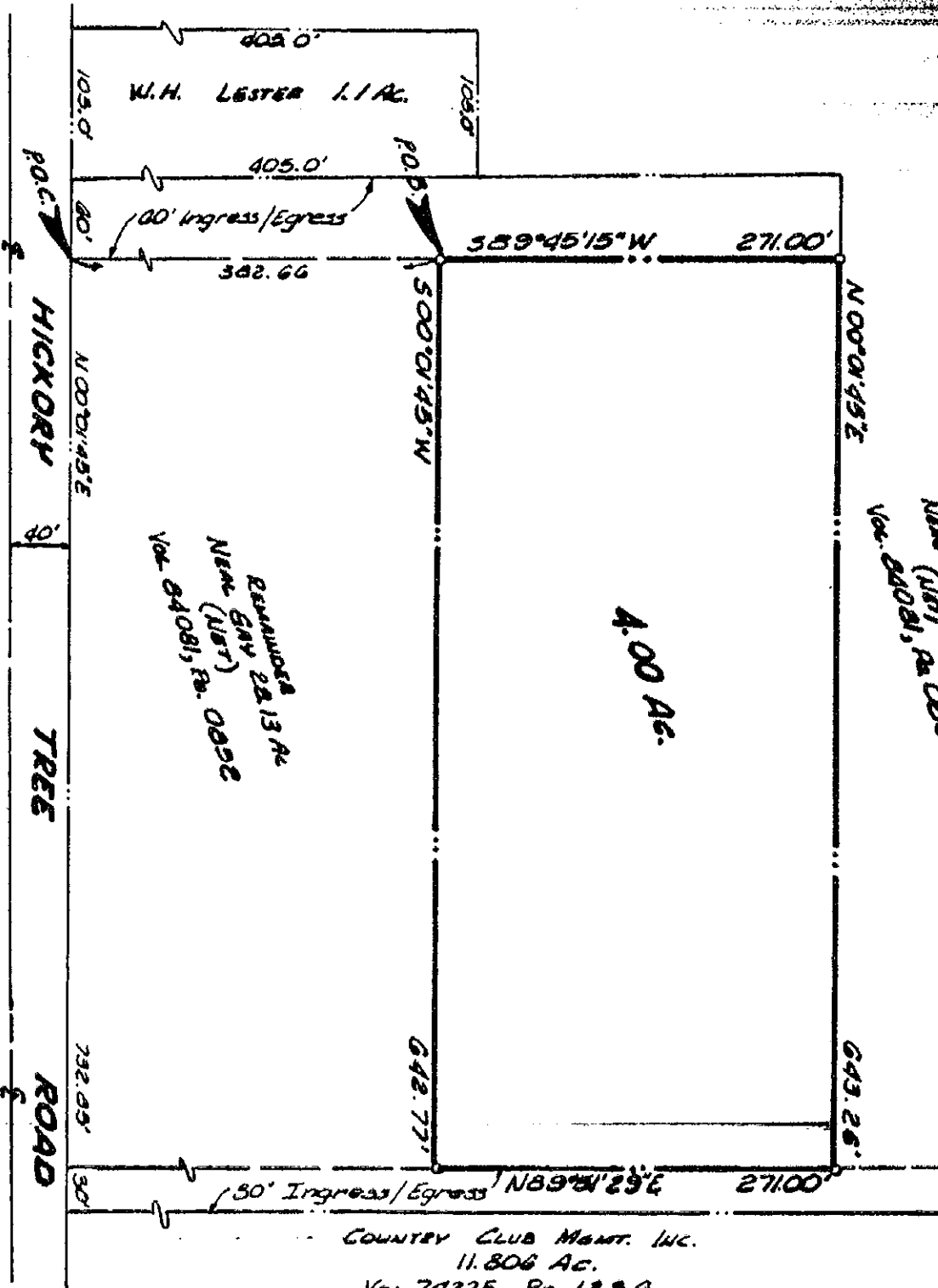
THENCE: North $00^{\circ}01'45''$ East, 643.26 feet to an iron rod for a corner, said corner being 30.00 feet South of the North line of said 28.13 acre tract and the South line of an 11.806 acre tract conveyed to COUNTRY CLUB MANAGEMENT INC., by deed recorded in Volume 74255, Page 1236, Deed Records of Dallas County, Texas;

THENCE: North $89^{\circ}51'29''$ East, parallel to and 30.00 feet South of said 28.13 acre and 11.806 acre common line, a distance of 271.00 feet to an iron rod for a corner;

THENCE: South $00^{\circ}01'45''$ West, 642.77 feet to the POINT OF BEGINNING and containing 4.00 acres of land.

File # 74-16

00211



File # 74-16

00212