

ORDINANCE NO. 2327  
File No. 1461-95

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 MULTI-FAMILY TO LIGHT COMMERCIAL ON A 1.353 ACRE TRACT LOCATED SOUTH AND EAST OF THE I.H. 635 AND NORTH GALLOWAY AVENUE 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 Planned Development Multifamily to Light Commercial on a 1.353 acre tract located south and east of the I.H. 635 and North Galloway Avenue 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of the City of Mesquite in conflict with the provisions of this ordinance to the extent of such conflict are hereby repealed.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 18th day of August A.D., 1986.

*Mrs. Brunhilde Nystrom*  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

*Lynn Prugel*  
Lynn Prugel  
City Secretary

Elland Archer  
City Attorney

## EXHIBIT "A"

OATES CORNER  
TRACT 26  
1.353 ACRES

Being a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being a part of that same tract of land as described in 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 one inch iron pipe found in the south line of said R. Guy Carter tract, said point being North  $44^{\circ}56'17''$  East, 45.00 feet from a found Texas Highway Department (T.H.D.) concrete monument;

THENCE North  $44^{\circ}52'44''$  West, along the east line of LBJ Freeway as described in condemnation judgment recorded in Volume 781, Page 0028 of said Deed Records, 109.21 feet to a found T.H.D. concrete monument;

THENCE North  $44^{\circ}56'17''$  East, leaving the said east line of LBJ Freeway, 539.65 feet to a 1/2 inch iron rod set;

THENCE South  $45^{\circ}03'43''$  East, 109.21 feet to a 1/2 inch Iron rod set in the south line of said R. Guy Carter tract;

THENCE South  $44^{\circ}56'17''$  West along the south line of said R. Guy Carter tract, 540.00 feet to the POINT OF BEGINNING and containing 1.353 acres of land, more or less.

*File # 1461-95*

00218

GARLAND

July 4 1961

PD 1877  
(PATIO)

PD 197 (C)

PD 1977  
(MF-24)

PD 1886  
(MF-24)

PD 1857  
(MF-24)

PD 1786  
(MF-25.8)

PD 1852  
(MF-26)

PD 1852  
(MF-26)

PD (LC)  
2123

PD 1896

PD 1810

PD 1910  
(MF-18)

PD 1859  
(MF-18)

PD 1811

TH 831

CHRISTIAN SCHOOLS  
R-1

PD 1859  
(MF-18)

PD 2184 (LC)

J.M. FLORENCE 2  
SCHOOL & PARK

COLONIAL

LA SORIA

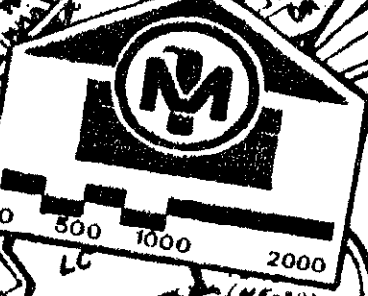
BOREAL

PD (C) 1643

PD (G) 1643

PD 1643 (C)

BARNES BRIDGE



MOBLINT JONES

PD 1668

PD 1643 (SF) CU

PANOLA

SCHOOL SITE

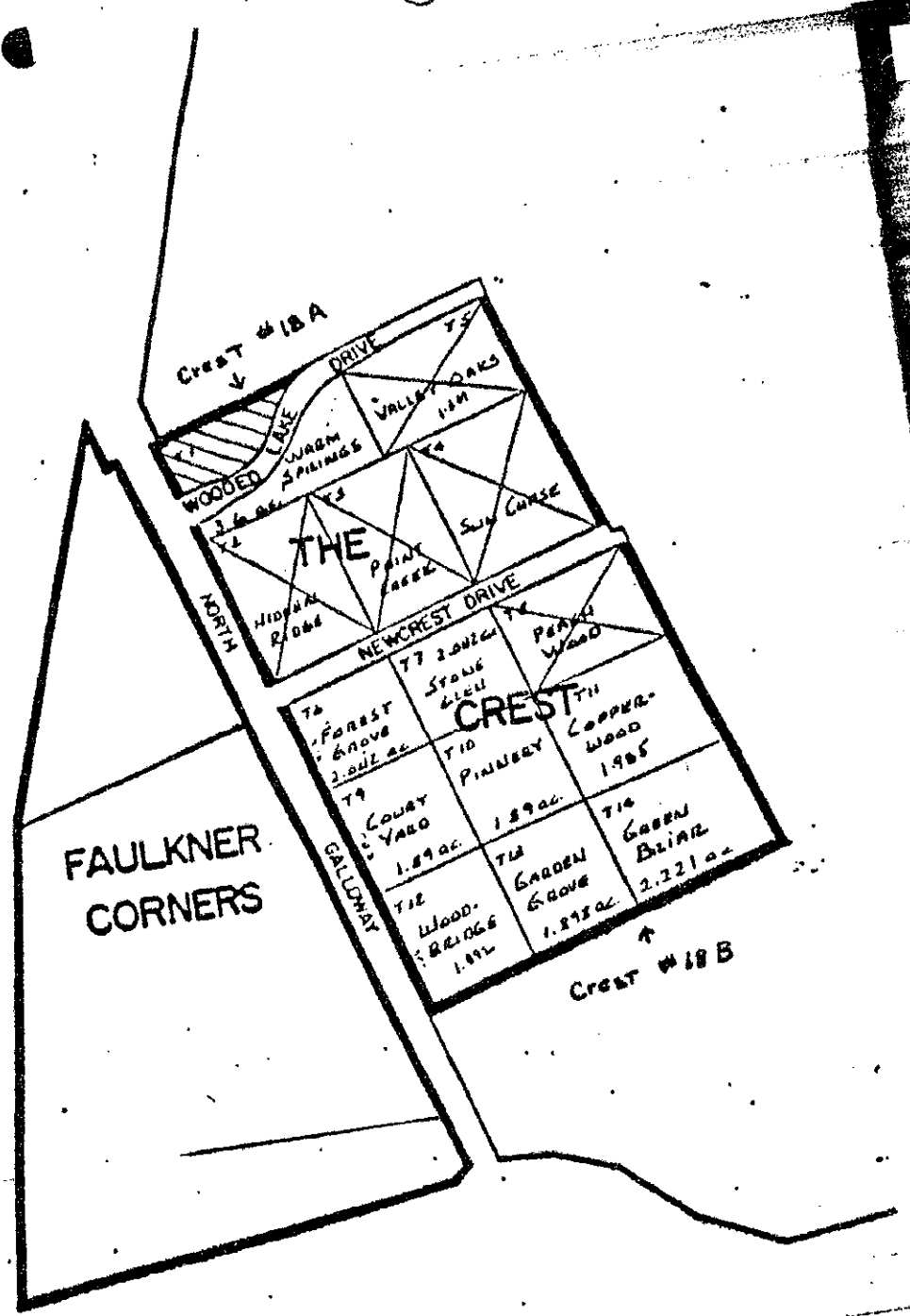
PEGOR ST.

KIMMEL SCHOOL

GALLON

00219

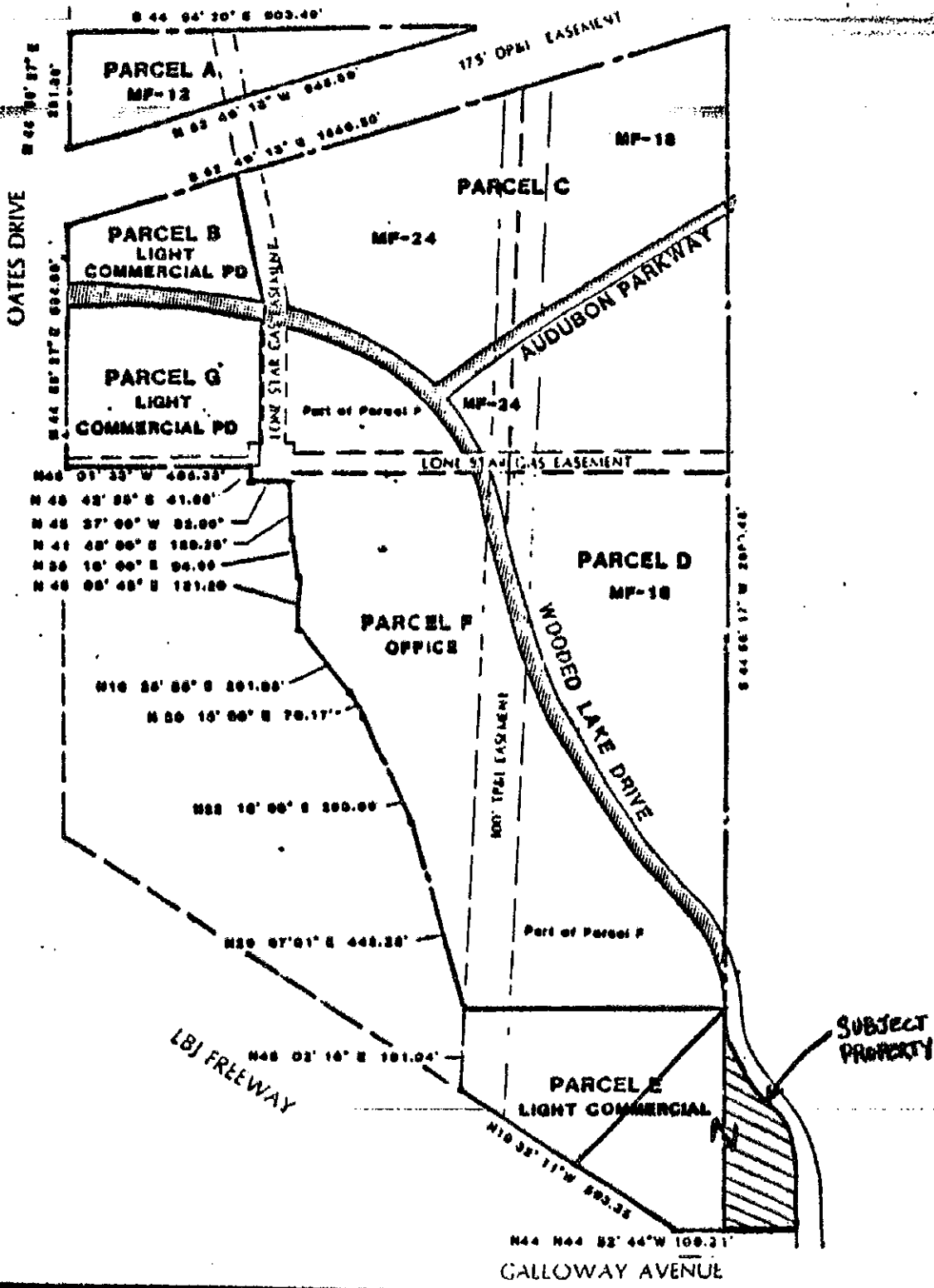
635 (LBJ)



I-30

FILE 1461-95

00220  
**PARCEL MAP TRACT A**



FILE 1461-396