

ORDINANCE NO. 2367
File No. 190-3

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 GENERAL RETAIL TO SERVICE STATION WITH CERTAIN STIPULATIONS; THE .643 ACRE TRACT IS LOCATED AT THE SOUTHWEST CORNER OF BRUTON ROAD AND BELTLINE ROAD; 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 General Retail to Service Station with the stipulation that a landscape plan be presented on the site plan to preserve the pecan tree that is on City right of way and that approval of the site plan be delegated to the Staff. The .643 acre tract is located at the southwest corner of Bruton Road and Beltline Road; 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.

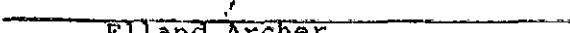
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 15th day of December A.D., 1986.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elland Archer
City Attorney

PROPERTY DESCRIPTION

BEING a tract of land owned by Jon Davis Interests situated in the W. H. Bennett Survey, Abstract No. 190, City of Mesquite, Dallas County, Texas, and being part of a 7.464 acre tract of land shown on survey plat prepared by John C. Gibson Co., Inc., dated December, 1983, and being more particularly described as follows:

BEGINNING at the intersection of the Southerly line of Bruton Road (a 100' R.O.W.) with the Westerly line of Belt Line Road (a 100' R.O.W.) at this point, an iron stake for corner;

THENCE, Along the Westerly line of Belt Line Road, the following:

South 11 deg. 58 min. West, a distance of 18.64 feet to the beginning of a tangent curve to the right having a central angle of 06 deg. 34 min. 31 sec., a radius of 1,277.38 feet, and a chord bearing and distance of South 15 deg. 15 min. 15 sec. West, 146.51 feet, an iron stake for corner;

Around said curve, an arc distance of 146.59 feet to the end of said curve, an iron stake for corner;

THENCE, leaving said Belt Line Road Westerly line, North 77 deg. 19 min. 11 sec. West, a distance of 165.00 feet to an iron stake for corner;

THENCE, North 12 deg. 40 min. 47 sec. East, a distance of 165.00 feet to the said Bruton Road Southerly line, an iron stake for corner;

THENCE, South 77 deg. 19 min. 13 sec. East, along the said Bruton Road Southerly line, a distance of 171.35 feet to the Place of Beginning and containing 28,032 Square Feet or 0.64354 Acres of Land.

SURVEYOR'S CERTIFICATE

The undersigned does hereby certify that he is a licensed registered public surveyor and that a survey was the 10th day of October, 1986, made on the ground of the property described herein; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown; that all public streets and roads contiguous to the property are shown; that all public utilities which will serve the property are shown and are located in public easements adjacent to the property except as otherwise shown; and, that the survey hereof is an accurate representation of the property described hereinabove.



Charles M. Davis
 Charles M. Davis, Registered Public Surveyor
 No. 4323

190-3

PROPERTY DESCRIPTION

BEING a tract of land owned by Jon Davis Interests situated in the W. H. Bennett Survey, Abstract No. 190, City of Mesquite, Dallas County, Texas, and being part of a 7.464 acre tract of land shown on survey plat prepared by John C. Gibson Co., Inc., dated December, 1983, and being more particularly described as follows:

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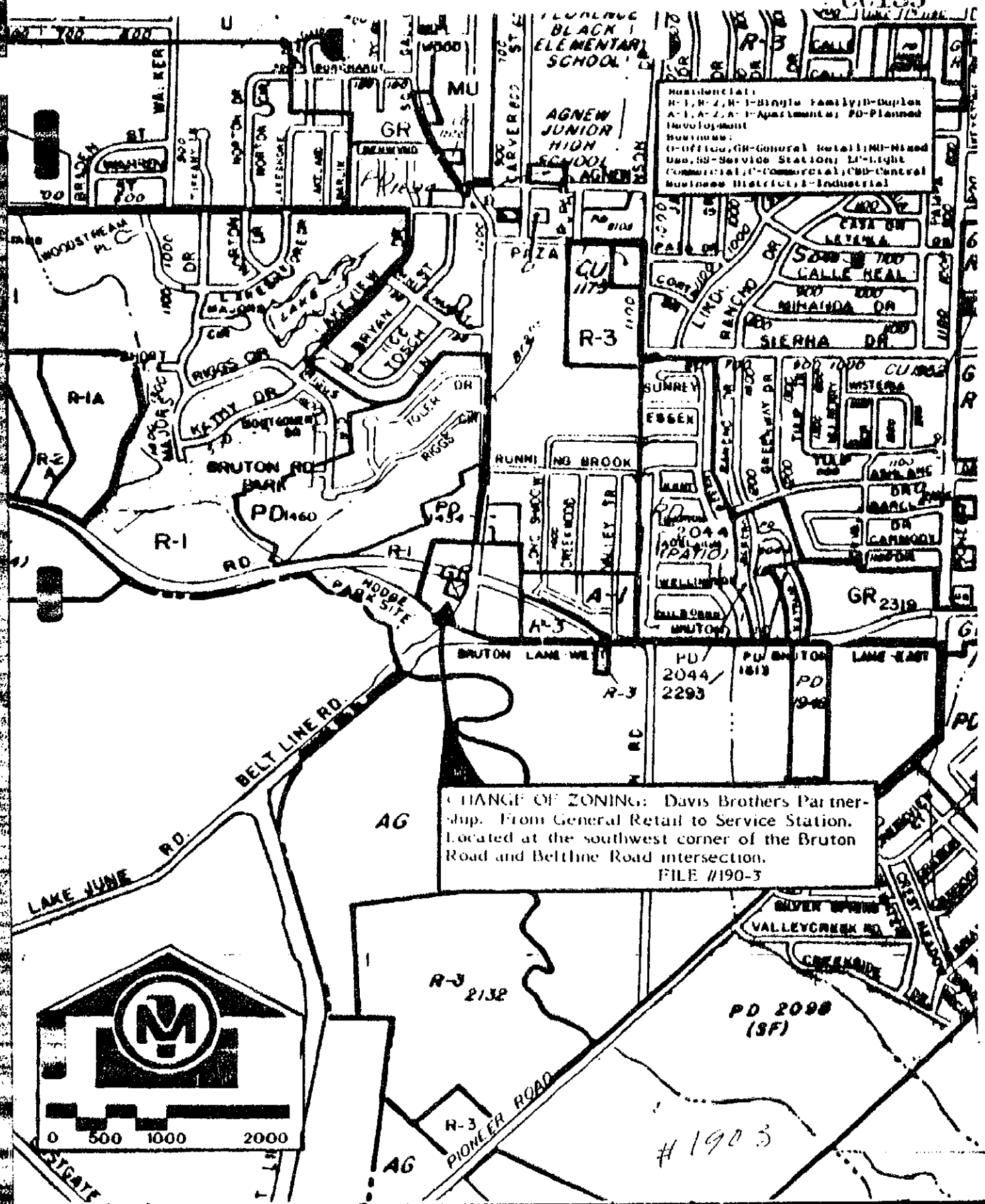
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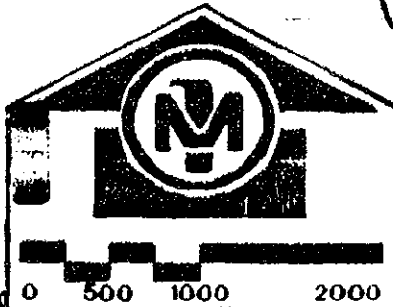
Charles M. Davis
 Charles M. Davis, Registered Public Surveyor
 No. 4323

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Residential:
 R-1, R-2, R-3 - Single family; Duplex
 A-1, A-2, A-3 - Apartment; PD - Planned Development
 Business:
 G - Office; GR - General Retail; MI - Mixed Use; SS - Service Station; L - Light Commercial; C - Commercial; CB - Central Business District; I - Industrial

CHANGE OF ZONING: Davis Brothers Partnership. From General Retail to Service Station. Located at the southwest corner of the Branton Road and Beltline Road intersection. FILE #190-3



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