

ORDINANCE NO. 2371
File No. 1461-98

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 A NEW CAR DEALERSHIP PROVIDED THAT BUILDING PERMITS MAY BE ISSUED PRIOR TO THE COMPLETION OF WOODED LAKE DRIVE; THAT A TEMPORARY CERTIFICATE OF OCCUPANCY MAY BE ISSUED NOT TO EXCEED ONE YEAR UPON COMPLETION OF THAT SECTION OF WOODED LAKE DRIVE THAT FRONTS THIS PROPERTY; THAT THE FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED UPON THE COMPLETION OF THE ENTIRE LENGTH OF WOODED LAKE DRIVE TO OATES DRIVE AND THAT NO ACCESS DRIVES BE PERMITTED ONTO NORTH GALLOWAY AVENUE; THE SUBJECT 3.3331 ACRE TRACT IS LOCATED NORTHEAST OF THE NORTH GALLOWAY AVENUE AND IH 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 a new car dealership provided that building permits may be issued prior to the completion of Wooded Lake Drive, that a temporary Certificate of Occupancy may be issued not to exceed one year upon completion of that section of Wooded Lake Drive that fronts this property, that the final Certificate of Occupancy may be issued upon the completion of the entire length of Wooded Lake Drive to Oates Drive, and that no access drives be permitted onto North Galloway Avenue. The subject 3.3331 acre tract is located northeast of the North Galloway Avenue and IH 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

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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 5th day of January A.D., 1987.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

FIELD NOTES
1.3111 ACRES

Being a tract of land situated in the Theophrastus Census Survey, Abstract No. 1661, said tract being 1.3111 Acres, situate in the County of Dallas, State of Texas, as recorded in Volume 8031, Page 1816, said records of Dallas County, Texas, and remainder of said tract being 2.1704 Acres out of the said Theophrastus Census Survey and being more particularly described as follows:

Beginning at an iron rod set for corner, said point being in the intersection of the northeast line of Wooded Lake Drive and the west line of Interstate Highway 635, a distance of 43.91 feet to an iron rod set for corner, said point being the southeast corner of said 1.3111 Acres tract;

THENCE the following calls along the said Northeast line of 64.1204 Avenue:

THENCE South 45°00' West, a distance of 166.02 ft. to the point of tangency of a circular curve to the left having a length of 184.26 ft. to an iron rod set for corner;

THENCE South 45°00' West, a distance of 104.22 ft. to an iron rod set for corner in the intersection of the said Northeast line of 64.1204 Avenue with the northeast line of Interstate Highway 635;

THENCE South 45°00' West, leaving the said Northeast line of Interstate Highway 635, a distance of 43.91 ft. to an iron rod set for corner, in the said northeast line of 64.1204 Avenue and the beginning of a circular curve to the left;

THENCE the following calls along the said northeast line of Wooded Lake Drive:

THENCE along said circuit, curve to the left having a central angle of 181°13'30", a radius of 88.00 ft., a tangent length of 107.59 ft., and an arc length of 184.26 ft. to an iron rod set for corner and the point of tangency;

THENCE South 5°45'11" East, leaving the said point of tangency, a distance of 166.02 ft. to an iron rod set for corner; said point being the beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of 50°45'11", a radius of 203.91 ft., a tangent distance of 171.19 ft., and an arc length of 378.42 ft. to an iron rod set for corner; said point being the point of tangency;

THENCE along compound curves to the right having a central angle of 181°13'30", a radius of 88.00 ft., a tangent distance of 107.59 ft., and an arc length of 184.26 ft. to an iron rod set for corner, said point being the point of tangency to the left;

THENCE along said circuit, curve to the left having a central angle of 181°13'30", a radius of 88.00 ft., a tangent distance of 107.59 ft., and an arc length of 184.26 ft. to an iron rod set for corner, said point being the point of tangency;

THENCE South 45°00' West, leaving said circuit, curve to the left, a distance of 29.59 ft. to the point of beginning and containing 1.3111 Acres (181,190 sq. ft.) of land.

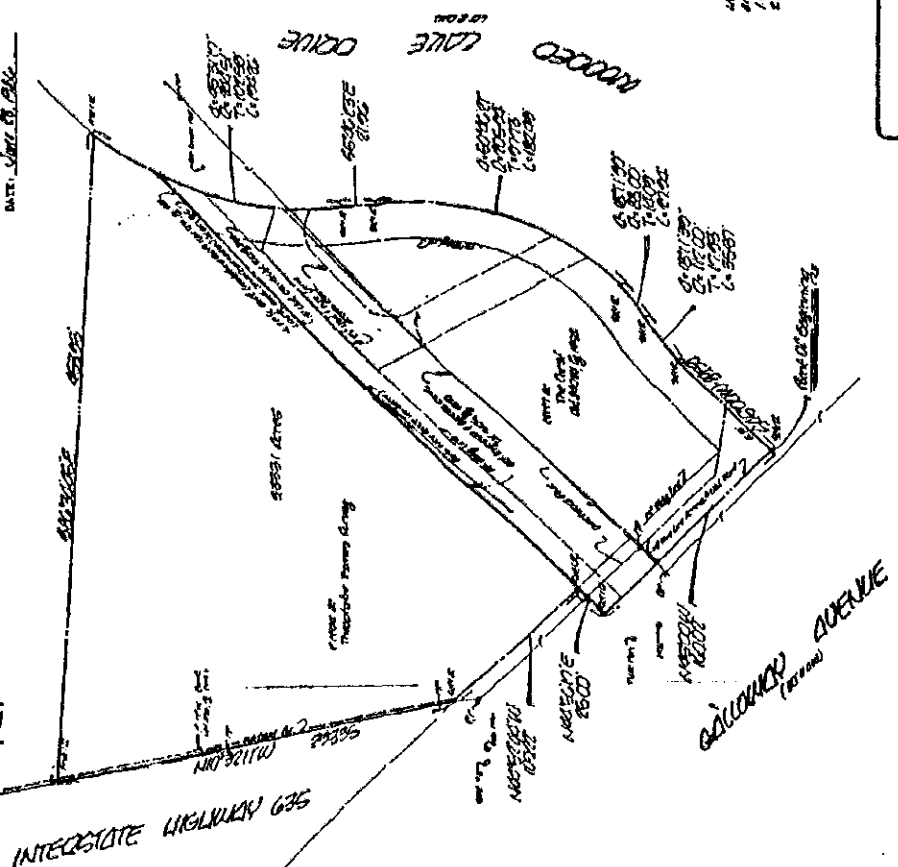
CERTIFICATION

To any person, firm or corporation relying upon the accuracy of this survey or plat, I, Benny S. Fugate, Registered Public Surveyor, State of Texas, do certify to that this plat represents measurements performed upon the ground under my supervision and that I am a duly qualified and licensed surveyor. I am not liable for any error or omission in this plat or for any loss or damage to any person, firm or corporation, or for any injury to any person, firm or corporation, or for any loss or damage to any property, and that there are no encroachments, conflicts, or overlapping measurements, except as shown hereon. This is a true and correct survey.



BENNY S. FUGATE
Registered Public Surveyor, No. 1171
State of Texas

DATED: June 27, 1998



NOTE: The following amount is not included in this plat:
1.3111 Acres (181,190 sq. ft.)
1.3111 Acres (181,190 sq. ft.)

FUGATE SURVEYING
230 BEAT LIME ROAD
DENTON, TEXAS 76208 (817) 282-0766

1.3111 ACRES		181,190 SQ. FT.	
AREA	1.3111 ACRES	AREA	181,190 SQ. FT.
PERCENT	100%	PERCENT	100%

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