

ORDINANCE NO. 2382
File No. 40-2

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 (1848) INDUSTRIAL TO GENERAL RETAIL WITH CERTAIN STIPULATIONS; THE SUBJECT 21.8917 ACRE TRACT IS LOCATED WEST OF CLAY-MATHIS ROAD BETWEEN EAST GLEN BOULEVARD AND NEWSOM 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 Planned Development (1848) Industrial to General Retail with the following stipulations: 1) Access to Newsom Road be limited to two (2) drive openings and 2) A left turn lane off northbound Clay-Mathis into the property be provided. The subject 21.8917 acre tract is located west of Clay-Mathis Road, between East Glen Boulevard and Newsom 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.

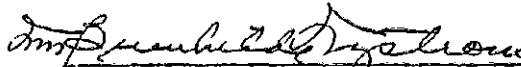
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 19th day of January A.D., 1987.

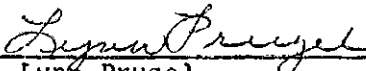


Mrs. Brunhilde Nystrom

Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

DESCRIPTION OF A 21.8917 ACRE TRACT
IN SAMUEL ANDREWS SURVEY, ABST. NO. 40

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas and in the R. McCormick HRS, and the Samuel Andrews HRS, A-40, said tract being all of Tract 2A and Tract 2B described in a General Warranty Deed conveyed from Frances Rucker Darby and Michael Rucker Darby Living Trust, a Texas Trust, to SAS and Associates, Trustee, a Texas general partnership and recorded in Volume 86104 at page 2645 Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a iron rod set at the northwest corner of said Tract 2A and the south right-of-way line of East Glenn Parkway (100 feet wide);

THENCE S 78° 51' 06" E along the south right-of-way line at East Glenn Parkway and the north line of said Tracts 2A & 2B, 812.16 feet, to an iron rod found at the point of curvature of a curve to the left, for a corner;

THENCE 970.31 feet along the northright-of-way line and the arc of said curve having a central angle of 11°00'12", a radius of 5,050 feet and a chord bearing S84°20'46"E 968.88 feet to an iron rod found, for a corner;

THENCE N87°16'12"E along the north right-of-way line of said East Glenn Parkway to its intersection with the east right-of-way of Clay Road, as widened, 17.54 feet to an iron pin found, for a corner;

THENCE S 2°02'17" W along the west right-of-way line of said Clay Road 631.06 feet to the northern right-of-way line of Newsom Road to an iron pin found, for a corner;

THENCE 13.47 feet along the arc of a curve to the right said curve having a radius of 596.80 feet a central angle of 1°17'34" and a chord bearing N64°43'36" W. 13.46 feet to an iron rod found, for a corner;

THENCE N64°14'50"W along the north right-of-way of Newsom Road 315.90 feet to the point of curvature of a curve to the left, to an iron pin found for a corner;

THENCE 343.53 feet along the arc of said curve having a radius of 756.30, a central angle of 26°01'33" and a chord bearing N77°06'19" W 340.90 feet to an iron pin set, for a corner;

THENCE S89°50'01" W along the north right-of-way line of Newsom Road 1,130.98 feet to an iron pin found, for a corner;

THENCE N0°20'05"E along the east line of said Tract 2A, 666.53 feet to return to the point of beginning and containing 21.8917 acres of land.

40-2

00256

PD 1995 FOREST CREEK (PATIO)

Residential:
 R-1, R-2, R-3-Single Family; D-Duplex
 A-1, A-2, A-3-Apartments; PD-Planned
 Development
 Business:
 O-Office; GR-General Retail; MU-Mixed
 Use; BS-Service Station; LC-Light
 Commercial; C-Commercial; CBD-Central
 Business District; I-Industrial

CHANGE OF ZONING: B. J. Smith
 From PD (1848) Industrial to General
 Retail. Located west of Clay-Mathis
 Road, between East Glen Blvd. and
 Newsum Road. FILE # 40-2

