

ORDINANCE NO. 2415
File No. 1462-199

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 SERVICE STATION TO LIGHT COMMERCIAL ON A .59 ACRE TRACT LOCATED NORTHEAST OF THE ANTHONY DRIVE AND U.S. HIGHWAY 80 INTERSECTION FRONTING THE NORTH SIDE OF THE U.S. HIGHWAY 80 SERVICE 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 Service Station to Light Commercial on a .59 acre tract located northeast of the Anthony Drive and U.S. Highway intersection, fronting the north side of the U.S. Highway 80 Service 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.

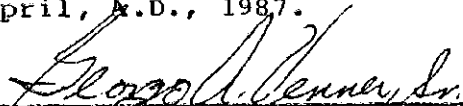
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 6th day of April, A.D., 1987.




 George A. Venner, Sr.
 Mayor

ATTEST:

APPROVED AS TO FORM:



 Lynn Prugel
 City Secretary



 Elizabeth A. Lunday
 Assistant City Attorney

Exhibit "A"

All that certain tract or parcel of land lying, situate and being in Dallas County, Texas and being more particularly described as follows:

BEGIN a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being more particularly described as follows: BEGINNING at the intersection of the North line of U.S. Highway No. 80 (Interstate Highway No. 20), with the East line of Anthony Drive (a 50-foot R.O.W.), an iron stake for corner; THENCE along the said Anthony Drive East line the following: North 16 deg. 37 min. East, a distance of 25.00 feet to the beginning of a curve to the left, having a central angle of 12 deg. 38 min. and a radius of 250.84 feet, an iron stake for corner; Along said curve, a distance of 55.31 feet to the end of said curve, an iron stake for corner; North 3 deg. 59 min. East, a distance of 70.00 feet to an iron stake for corner; THENCE South 86 deg. 01 min. East, leaving said Anthony Drive East line, a distance of 155.00 feet to an iron stake for corner; THENCE South 3 deg. 59 min. West, a distance of 165.84 feet to a point on the said U.S. Highway No. 80 North line, an iron stake for corner; THENCE North 86 deg. 41 min. West, along the said U. S. Highway No. 80 North line, (see reverse side) property description continued from reverse side hereof:

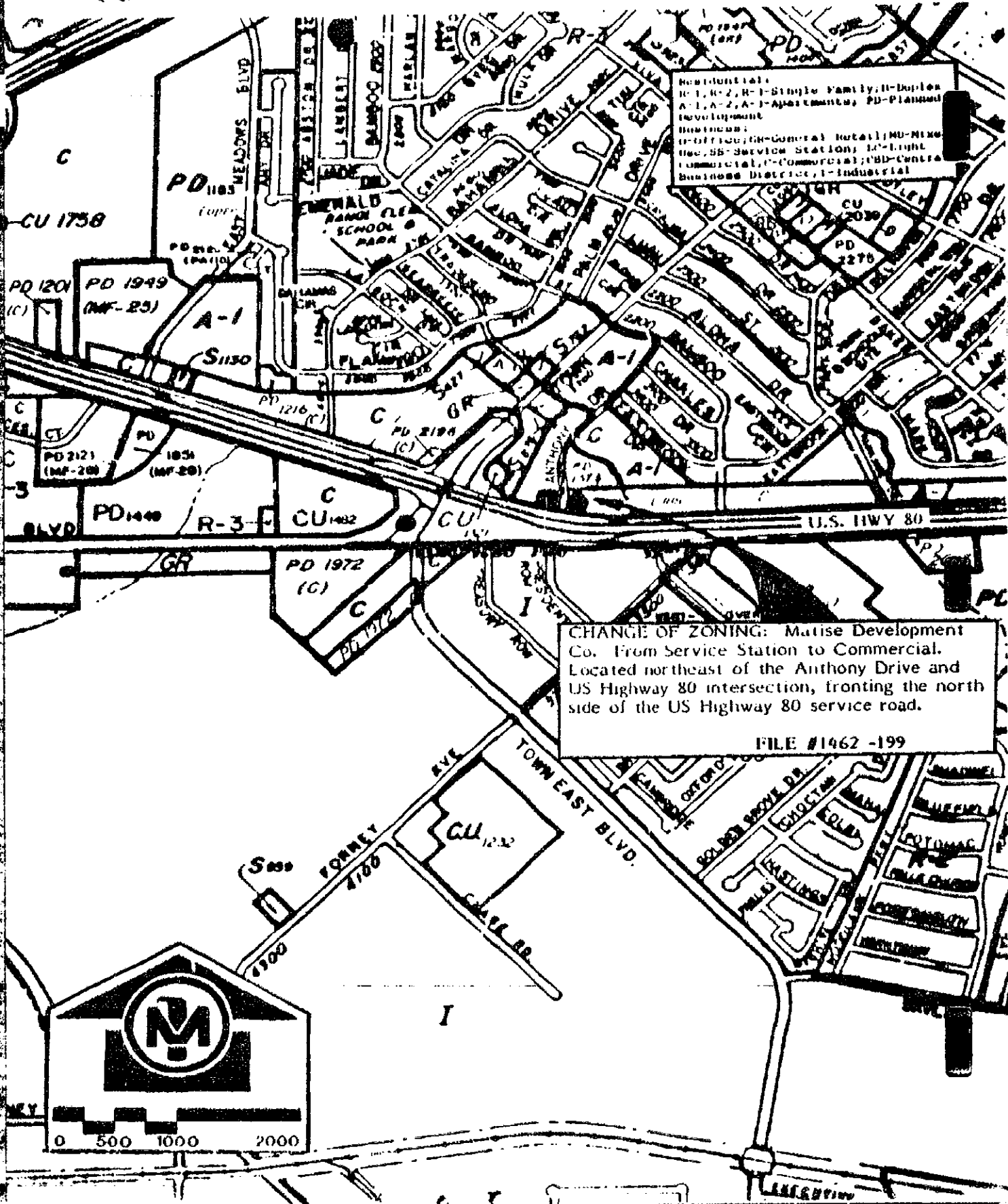
a distance of 88.00 feet to an angle point in said line, an iron stake for corner; THENCE North 71 deg. 23 min. West, continuing along said U. S. Highway No. 80 North line, a distance of 80.50 feet to the PLACE OF BEGINNING and containing 25,657 square feet of land.

Being the same land as described in that certain Warranty Deed dated May 30, 1966, from Charles I. Hoffino, Grantor, to Humble Oil & Refining Company, Grantee, recorded in Book 034, Page 1208, of the Deed records of Dallas County, Texas.

Humble Oil & Refining Company, a Delaware corporation, merged into Exxon Corporation, a New Jersey corporation, on January 1, 1973.

THIS DESCRIPTION IS FOR IDENTIFICATION PURPOSES ONLY, SHOULD NOT BE RELIED ON BY ANY PERSON AS A TRUE AND ACCURATE DESCRIPTION OF THE PROPERTY, AND IS SUBJECT TO CHANGE PENDING RECEIPT OF A COMMITMENT FOR AN OWNER'S POLICY OF TITLE INSURANCE, A COPY OF WHICH WILL BE FURNISHED TO PURCHASER PRIOR TO CLOSING.

File # 1462-179



Residential:
 R-1, R-2, R-3 - Single Family; R-Durles
 A-1, A-2, A-3 - Apartments; PD - Planned
 Development
 Business:
 G-1 - General Retail; MU - Mixed
 Use; SS - Service Station; L - Light
 Commercial; C - Commercial; CBD - Central
 Business District; I - Industrial

CHANGE OF ZONING: Maise Development
 Co. From Service Station to Commercial.
 Located northeast of the Anthony Drive and
 US Highway 80 intersection, fronting the north
 side of the US Highway 80 service road.
 FILE #1462 -199

