

ORDINANCE NO. 2433
File No. 340-7

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 THE STIPULATION THAT THE TANKS CANNOT BE LOCATED WITHIN OR DIRECTLY ADJACENT TO THE FILL AREAS ON THE SITE; THE SUBJECT 0.9182 ACRE TRACT IS LOCATED NORTHEAST OF THE IH 635 AND BRUTON ROAD 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 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 the tanks cannot be located within or directly adjacent to the fill areas on the site. The subject 0.9182 acre tract is located northeast of the IH 635 and Bruton Road 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.

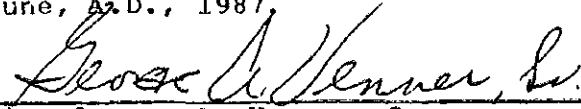
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

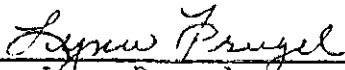
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 1st day of June, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that this date under my my personal supervision a careful and accurate survey was made on the ground of the following described property:

All that certain lot, tract, or parcel of land lying and being situated in the City of Mesquite, Dallas County, Texas, described as follows:

Being a part of the A. CHUMLEY SURVEY, ABSTRACT NO. 240, and being a part of that certain tract conveyed to Robert E. Lamb and Joe C. Pritchett, dated April 5, 1963, and recorded in Volume 16, Page 0108, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the present North line of Bruton Road, a 100 foot right-of-way, and the present Northeast line of Interstate Highway 635, a variable width right-of-way. Point also being the Southeast corner of a called 1.8 acre tract of land described in deed to the State of Texas under judgement in Cause No. 10-201-C, County Court at Law No. 3, Recorded in Volume 87230, Page 261, of the said Dallas County Deed Records, a 1-inch iron rod set for corner;

HENCE N 20 14' 50" W 200.00 feet along the said present Northeast line of IH 635 to a 1-inch iron rod set for corner;

HENCE S 89 31' 09" E 227.67 feet to a 1-inch iron rod set for corner

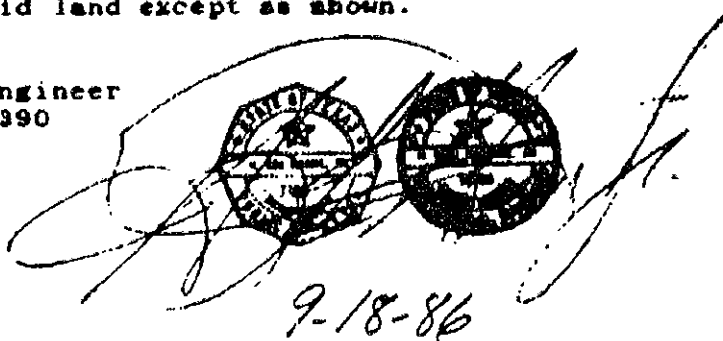
HENCE S 12 29' 58" E 191.96 feet to a 1-inch iron rod set for corner in the said present North line of Bruton Road;

HENCE N 89 31' 09" W 200.00 feet along the said present North line of Bruton Road to the point of beginning and containing 0.9182 acres (39,998.63 square feet) of land.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey. There are no encroachments or protrusions. There are no recorded easements.

I hereby certify that this survey, made on the ground under my supervision on 9-11-86, correctly shows the property lines and relationship of buildings and other structures to the property lines and the land indicated hereon; that there are no encroachment of buildings or structures onto said land except as shown.

L. LOU HORNE, JR., P.E.
Registered Professional Civil Engineer
Registered Public Surveyor No. 2390



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