

ORDINANCE NO. 2451

File No. 261-23

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 COMMERCIAL TO CONDITIONAL USE IN COMMERCIAL FOR THE SALE OF USED MERCHANDISE STIPULATING THAT NO OUTDOOR SALES, STORAGE OR DISPLAY MAY BE ALLOWED; THE SUBJECT 9.3979 ACRE TRACT IS LOCATED SOUTHWEST OF THE BIG TOWN BOULEVARD AND U.S. HIGHWAY 80 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 Commercial to Conditional Use in Commercial for the sale of used merchandise stipulating that no outdoor sales, storage or display may be allowed. The subject 9.3979 acre tract is located southwest of the Big Town Boulevard

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and U.S. Highway 80 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.

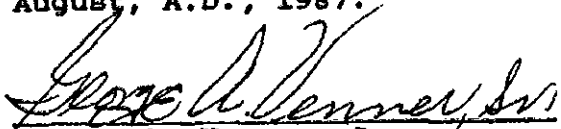
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 17th day of August, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


Jonathan Graham
City Attorney

SURVEY # 121

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 2323 Big Town Boulevard, in the City of Mesquite, Texas, described as follows:

BEING a tract of land situated in the W. H. COLE SURVEY, ABSTRACT NO. 2622 in the City of Mesquite, Dallas County, Texas, and being more particularly described by meter and bounds as follows:

BEGINNING at an iron rod found for corner in the South line of U. S. Highway 80, Interstate 20, (a 300.0 foot right-of-way), same being the Northeast corner of BIG TOWN ADDITION, an Addition to the City of Mesquite, Texas, according to the Plat recorded in Volume 37, at Page 215 of the Map Records of Dallas County, Texas;

THENCE South 70 degrees 00 minutes 16 seconds East along the said South line of U. S. Highway 80 for a distance of 671.71 feet to an iron rod found for corner at the intersection of the West line of Big Town Boulevard (a 240.0 foot right-of-way, formerly Snilon Road) with the said South line of U. S. Highway 80;

THENCE South 00 degrees 05 minutes 24 seconds East along the said West line of Big Town Boulevard for a distance of 402.22 feet to an iron rod found for corner;

THENCE South 44 degrees 32 minutes 06 seconds East along the said West line of Snilon Road for a distance of 169.35 feet to an iron rod found for corner at the intersection of the North line of a 138.00 foot private roadway with the said West line of Big Town Blvd,

THENCE North 89 degrees 58 minutes 57 seconds West along the said North line of 138.00 foot private roadway for a distance of 749.31 feet to an iron rod found for corner;

THENCE North 00 degrees 05 minutes 59 seconds West along the East line of said BIG TOWN ADDITION for a distance of 752.40 feet to the POINT OF BEGINNING.

CONTAINING 409,370.6549 square feet or 9.3979 acres of land.

The plat hereon is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the Plat; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown, and as Per Federal Insurance Administration Flood Insurance Rate Map for the City of Mesquite, Texas, Community Panel Number 48040 0000 C, dated March 2, 1982, subject lot is not shown to be in any Flood Plain or Flood way.

SCALE: 1" = 50'

DATE: May 5, 1987

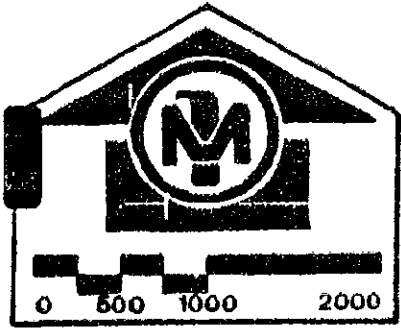
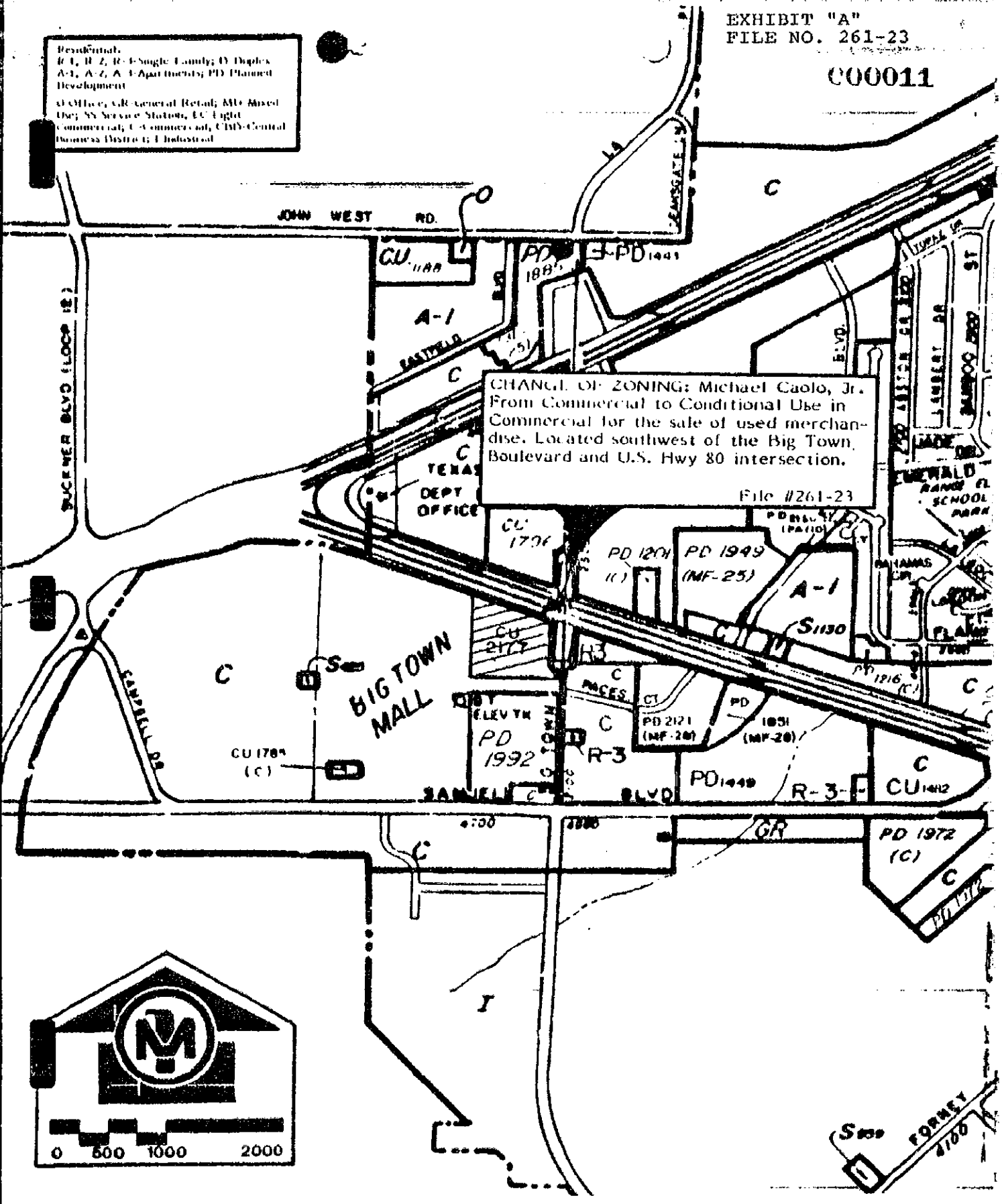
By James Dewey
JAMES DEWEY

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Residential:
 R-1, R-2, R-3 Single Family; D Duplex
 A-1, A-2, A-3 Apartments; PD Planned
 Development
 C Office; CR General Retail; MU Mixed
 Use; SY Service Station; EC Eight
 Commercial; CS Commercial; CDB Central
 Business District; I Industrial

CHANGI. OF ZONING: Michael Caolo, Jr.
 From Commercial to Conditional Use in
 Commercial for the sale of used merchand-
 ise. Located southwest of the Big Town,
 Boulevard and U.S. Hwy 80 intersection.

File #261-23



FORNEY
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