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## ORDINANCE NO. 2506 File No. 1461-97A

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT/SERVICE STATION WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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 Planned Development/Service Station with the following stipulations:

1) All provisions of the Service Station District shall apply except as modified herein;
2) No diesel sales allowed, and 3) Approval of Planned Development Site Plan delegated to the Development Review Committee. The subject tract is located at the northwest corner of 1-30 and Northwest Drive; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

<u>SECTION 3</u>. 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.

<u>SECTION 5.</u> 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

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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 February A.D., 1988.

Mayor

ATTEST:

APPROVED:

Lynn & rugel City Secretary Jenathan Graham

City Attorney

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## SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful survey on the ground of property described as follows, to-wit:

Being a tract of land situated in the City of Mesquite, Dallas County, Texas, out of the T. THOMAS SURVEY, ABSTRACT 1461, and being part of a certain 19.01 acre tract conveyed to the Christian College of the Southwest, by Marie E. Dates et al. recorded in Volume 245, Page 0654 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the Southwest line of Northwest Drive (100° R.O.W.) with the Northwest line of Interstate Highway 30 (W. S. Highway 67), a 1/2° from rod, some being on a curve to the left having a radius of 11,775.93 feet, a central angle of 00° 58° 24°, and a tangent bearing of South 58° 4° 10° Wost;

THERET. Southwest with the Northwest line of said Highway and along said curve to the left an arc length of 200.0 feet to a 1/2" iron rod for a corner;

THENCE North 30° 35' best, 202.55 feet parallel with the Southwest line of Northwest Drive to a 1/2" from rod for a corner;

THENCE North 50° 25' East, 200 feet to a  $170^{\rm th}$  iron rod for a corner in the Southwest line of Northwest Drive;

THENCE South 30° 35' Last, 200 feet with the Southwest line of Northwest Drive, to the place of Brur N136 and containing 4008 34 square feet of land.

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