

ORDINANCE NO. 2512
File No. 1461-104

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, BY AMENDING ORDINANCE NO. 1643 BY ALLOWING AN ADDITIONAL PUMP ISLAND FOR GASOLINE SALES ON THE EASTERN MOST 0.784 ACRES OF TRACT 4 BUT PROHIBITING DIESEL FUEL SALES ON ALL ISLANDS; PROVIDING THE REMAINDER OF ORDINANCE NO. 1643 SHALL REMAIN IN FULL FORCE AND EFFECT; 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 Ordinance No. 1643 by allowing an additional pump island for gasoline sales on the eastern most 0.784 acres of Tract 4, zoned planned development for commercial, with the stipulation that sale of diesel fuel is prohibited on all pump islands. The subject 0.784 acres of Tract 4 is located at Northwest Drive and Morningside Drive; City of Mesquite, Dallas County, Texas, more fully described in exhibit "A" attached hereto and made a part of this ordinance. That in all other respects Ordinance No. 1643 is to remain in full force and effect.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

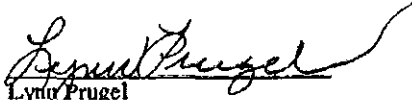
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 of Mesquite, Texas on the 4th day of April, A.D., 1988.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


Jonathan Graham
City Attorney



000261
EXHIBIT "A"

RAYMOND L. GOODSON JR., INC.
CONSULTING ENGINEERS

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas and being part of the T. Thomas Survey, Abstract No. 1461 and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the southwesterly right-of-way line of Northwest Drive (100 feet wide) with the northwesterly right-of-way line of Morningside Drive (60 feet wide);

THENCE South $45^{\circ}00'34''$ West along the said northwesterly line of Morningside Drive a distance of 197.66 feet to the beginning of a curve to the right;

THENCE in a southwesterly direction continuing along the said northwesterly line and along the said curve to the right having a radius of 770.00 feet, a central angle of $8^{\circ}10'13''$ and an arc length of 109.80 feet to a point for corner;

THENCE North $36^{\circ}49'13''$ West leaving the said northwesterly line of Morningside Drive a distance of 185.37 feet to a point for corner;

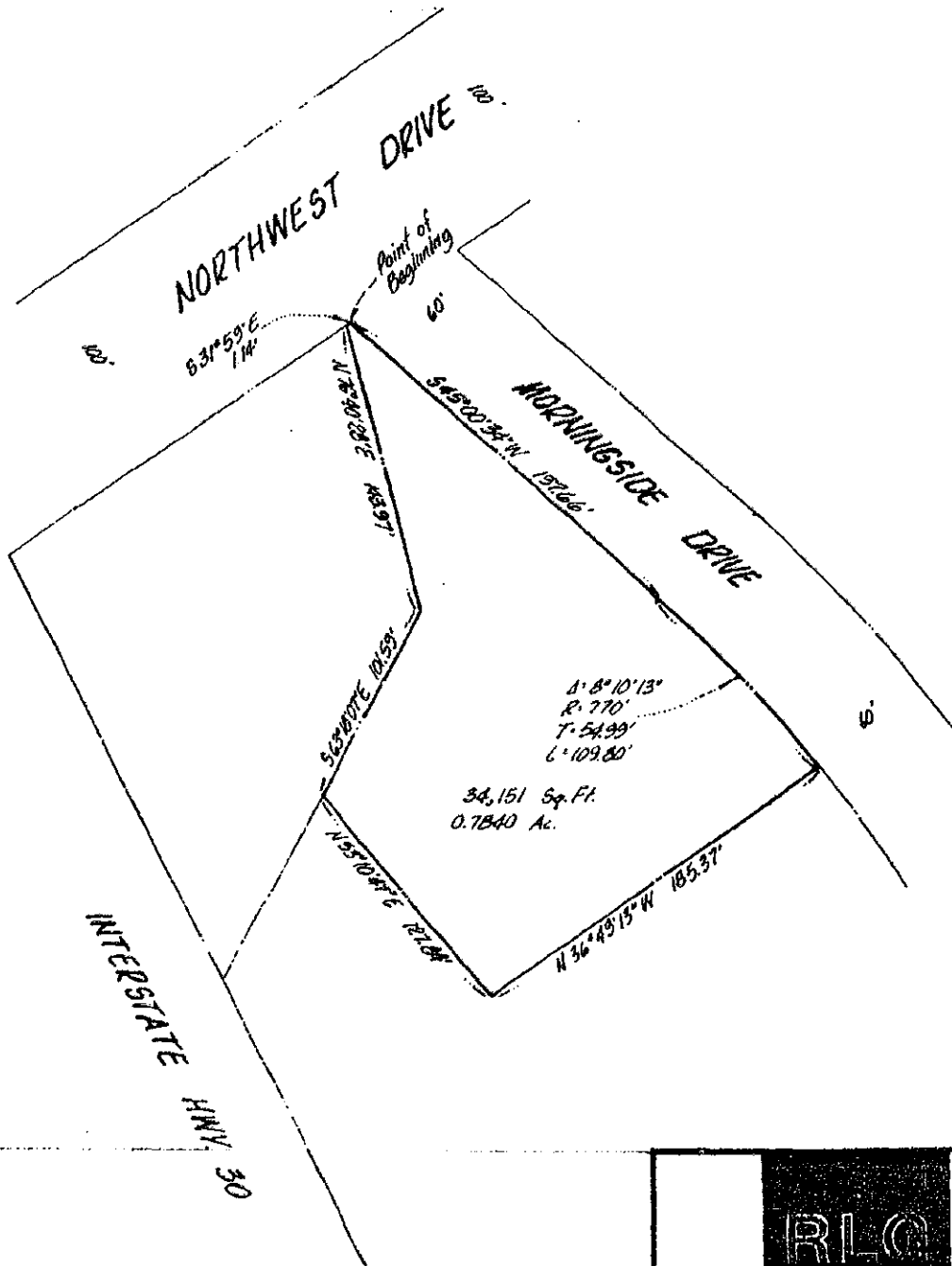
THENCE North $53^{\circ}10'47''$ East a distance of 127.84 feet to a point for corner;

THENCE South $63^{\circ}18'07''$ East a distance of 101.60 feet to a point for corner;

THENCE North $76^{\circ}40'28''$ East a distance of 143.97 feet to a point for corner in the said southwesterly line of Northwest Drive;

THENCE South $31^{\circ}59'00''$ East along the said southwesterly line of Northwest Drive a distance of 1.14 feet to the **POINT OF BEGINNING** and containing 34,151 square feet, or 0.7840 acres of land, more or less.

Scale: 1" = 60'



March 4, 1968



RAYMOND L. GOODSON JR., INC.
CONSULTING ENGINEERS

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