

ORDINANCE NO. 2519
File No. 1662-2

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT GENERAL RETAIL WITH A CONDITIONAL USE FOR A DAY NURSERY ON A 0.985 ACRE TRACT; 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 General Retail to Planned Development General Retail with a Conditional Use for a Day Nursery on a 0.985 acre tract. The subject tract is located 793 feet south of Newsom Road, fronting the east side of Clay Mathis 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 of Mesquite, Texas on the day 2nd day of May, 1988.

George A. Venner, Sr.
George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:

Lynn Prugel
Lynn Prugel
City Secretary

Jonathan Graham
Jonathan Graham
City Attorney

FIELD NOTES

Being a 0.985 acre tract of land situated in the A.B. Lanier Survey, Abstract No. 1662, Dallas County, Texas, said 0.985 acre tract of land being a portion of a tract of land conveyed to Creek Crossing/Mesquite Venture as described by deed recorded in Volume 85057, Page 3160, Dallas County Deed Records, said 0.985 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the southerly right-of-way line of Newsom Road, being a 50 foot wide public right-of-way, and the easterly right-of-way line of Clay Mathis Road, being a 100 foot wide public right-of-way;

THENCE, S 01°50'40" E, 793.24 feet along said easterly right-of-way line of Clay Mathis Road to a 5/8 inch iron rod with cap stamped "Carter & Burgess", set, same being the POINT OF BEGINNING of the tract herein described;

THENCE, N 88°09'20" E, 330.00 feet to a 5/8 inch iron rod with cap stamped "Carter & Burgess", set, being in the westerly line of Creek Crossing Estates 1, Phase One, an addition to the City of Mesquite according to the plat of same recorded in Volume 86166, Page 4199, Dallas County Plat Records;

THENCE, S 01°50'40" E, 130.00 feet along said westerly line of Creek Crossing 1, Phase One, to a 5/8 inch iron rod with cap stamped "Carter & Burgess", set;

THENCE, S 88°09'20" W, 330.00 feet to a 5/8 inch iron rod with cap stamped "Carter & Burgess", set, being in the aforementioned easterly right-of-way line of Clay Mathis Road;

THENCE, N 01°50'40" W, 130.00 feet along said easterly right-of-way line of Clay Mathis Road to the POINT OF BEGINNING and containing 0.985 acres of land, more or less.

