

ORDINANCE NO. 2521
File No. 1031-15

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM R-2 SINGLE FAMILY TO PLANNED DEVELOPMENT/GENERAL RETAIL ON A 0.3102 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 R-2 Single Family to Planned Development/General Retail on a 0.3102 acre tract. The subject tract is located northeast of the IH 635 and New Market 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

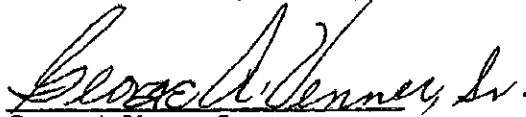
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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.

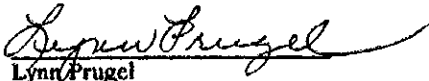
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 16th day of May, 1988.



George A. Vencer, Sr.
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



Jonathan Graham
City Attorney

88023

000291

BOUNDARY DESCRIPTION

BEING A TRACT OR PARCEL OF LAND LOCATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID TRACT ALSO BEING PART OF THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1031, AND BEING OUT THE 27.8 ACRE TRACT CONVEYED TO J.F. MCCULLOUGH BY MYRTLE ARMET, ET VIR, BY DEED DATED MAY 14, 1941, RECORDED IN VOLUME 2290, PAGE 224 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT AN IRON ROD FOR CORNER ON THE NORTH LINE OF NEW-MARKET ROAD (60' R.O.W.), SAID IRON ROD BEING 160 FEET EAST AND 30' NORTH TO THE SOUTHWEST CORNER OF SAID J.F. MCCULLOUGH 27.8 ACRE TRACT;

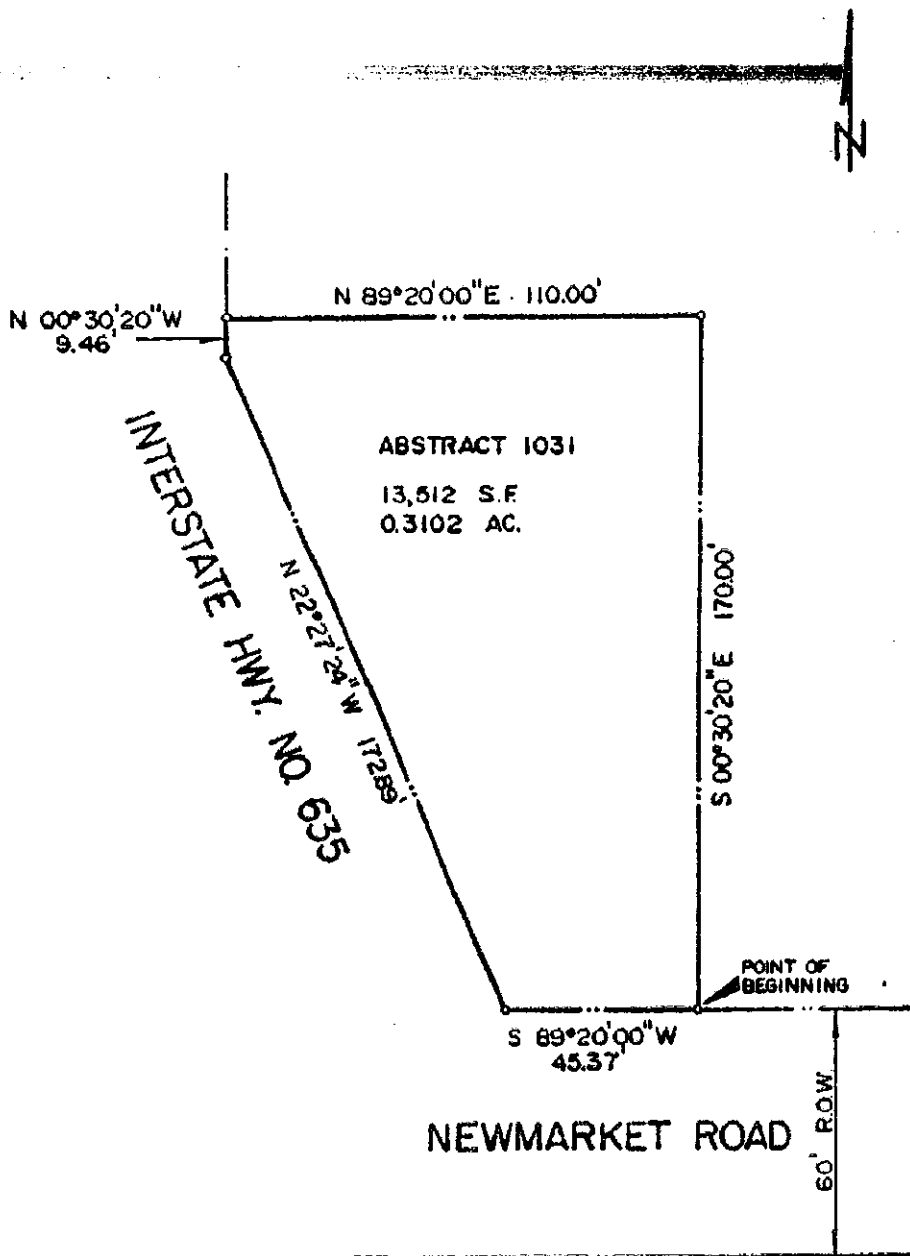
THENCE S 89° 20' 00" W ALONG THE NORTH LINE OF NEWMARKET ROAD A DISTANCE OF 45.37 FEET TO AN IRON ROD FOR CORNER, SAID IRON ROD ALSO BEING AT THE INTERSECTION OF THE NORTH R.O.W. LINE OF NEW-MARKET ROAD AND THE EAST R.O.W. LINE OF INTERSTATE HIGHWAY NO. 635 (A VARIABLE WIDTH R.O.W.).

THENCE N 22° 27' 24" W ALONG SAID EAST LINE OF IH 635 A DISTANCE OF 172.89 FEET TO AN IRON ROD FOR CORNER;

THENCE N 00° 30' 20" W A DISTANCE OF 9.46 FEET TO AN IRON ROD FOR CORNER;

THENCE N 89° 20' 00" E A DISTANCE OF 110.00 FEET TO AN IRON ROD FOR CORNER;

THENCE S 00° 30' 20" E A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 13,512 SQUARE FEET OR 0.3102 ACRES OF LAND, MORE OR LESS.



ZONING TRACT

SCALE : 1" = 40'