

ORDINANCE NO. 2533
File No. OT-63

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM CENTRAL BUSINESS DISTRICT TO CONDITIONAL USE IN CENTRAL BUSINESS DISTRICT FOR OUTDOOR SALES/USED CAR ON A 0.50 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 Central Business District to Conditional Use in Central Business District for outdoor sales/used car on a 0.50 acre tract. The subject tract is located between Carmack and Walker Streets, fronting the north side of west Main Street; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

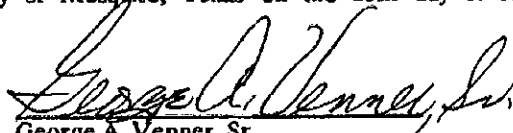
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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 20th day of June, 1988.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


Jonathan Graham
City Attorney

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 the following described property, to-wit:

Being part of lots 3, 4, and 5 in Block 7 of ORIGINAL TOWN OF MESQUITE, as recorded in Volume U, Page 70 of the Deed Records of Dallas County, Texas, part of that certain tract of land conveyed by the City of Mesquite to B. W. Cruce by Deed recorded in Volume 76017, Page 0969, Deed Records of Dallas County, Texas, and all of that certain tract of land conveyed by the City of Mesquite, a Municipal Corporation, to B. W. Cruce by Deed recorded in Volume 4635, Page 553 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod in the East line of said lot 3 in the North line of Main Street (60 foot R.O.W.), said point also being the Southwest corner of lot 1-A, Block 7 of the Replat of Lots 1 and 2, Block 7 ORIGINAL TOWN OF MESQUITE, as recorded in Volume 74085, Page 2121, Map Records of Dallas County, Texas;

THENCE North 82° 49' West with the North line of Main Street, a distance of 150 feet to a 1/2" iron rod for corner in the West line of said lot 5;

THENCE North 06° 08' East, a distance of 125 feet to a 1/2" iron rod in the North line of said tract of land conveyed in Volume 76017, Page 0969, same being the South line of Texas & Pacific Railroad 200 foot R.O.W.;

THENCE South 82° 49' East with the Southerly line of said Railroad R.O.W., a distance of 250 feet to a 1/2" iron rod at its intersection with the West line of Walker Street;

THENCE South 06° 08' West with said line of Walker Street, 30 feet to a 1/2" iron rod for corner, said point being the Northeast corner of said lot 1-A;

THENCE North 82° 49' West with the North line of said lot 1-A, a distance of 100 feet to an iron rod for corner, said point being the Northeast corner of that tract conveyed by Volume 4635, Page 553 of the Deed Records of Dallas County, Texas;

THENCE South 06° 08' West with the West line of said lot 1-A, passing the Northeast corner of said lot 3 at 20 feet, continuing in all a distance of 95 feet to the place of BEGINNING and containing 21,746 square feet of land.

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