

ORDINANCE NO. 2537

File No. 190-4

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-1 SINGLE FAMILY AND PD #1460 SINGLE FAMILY TO PLANNED DEVELOPMENT/OFFICE WITH A CONDITIONAL USE FOR A DAY NURSERY; 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-1 Single Family and PD #1460 Single Family to Planned Development/Office with a Conditional Use for a Day Nursery. The subject tract is located on a 0.7437 acre tract located 755 feet west of Belt Line Road, fronting the north side of West Bruton 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

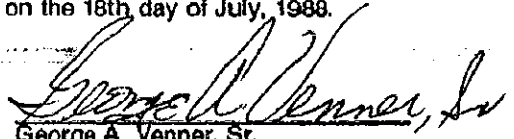
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 Thousand (\$2000.00) Dollars for each offense.

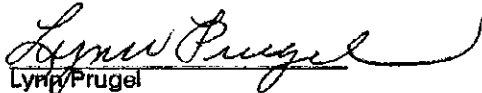
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an emergency and an emergency 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 by the City Council of the City of Mesquite, on the 18th day of July, 1988.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


Jonathan Graham
City Attorney

STATE OF TEXAS |
COUNTY OF DALLAS |

OWNER'S CERTIFICATE

WHEREAS, La Petite Academy, Inc. is the owner of a tract of land situated in the W.H. Bennett Survey, Abstract No. 93 and the W.H. Bennett Survey, Abstract No. 190, City of Mesquite, Dallas County, Texas, and being part of a 28.42 Acre tract of land described in deed to S.H. Whitehurst, as recorded in Volume 5503 at Page 365 of the Deed Records of Dallas County, Texas, said tract being more particularly described as follows:

BEGINNING at a point in the Northerly line of Bruton Road (a 100' R.O.W.) said point being N. 77 deg 19 min 13 sec W., a distance of 755.49 feet from the intersection of the Northerly line of said Bruton Road and the Westerly line of Belt Line Road (a 100' R.O.W.), an iron stake for corner;

THENCE, N. 77 deg 19 min 13 sec W., along said Bruton Road Northerly line, a distance of 55.10 feet to the beginning of a curve to the left, having a central angle of 08 deg 07 min 18 sec and a radius of 1091.74 feet, an iron stake for corner;

THENCE, around said curve to the left and continuing along said Bruton Road Northerly line, an arc distance of 154.75 feet to an iron stake for corner;

THENCE, N. 12 deg 40 min 47 sec E., leaving said Bruton Road Northerly line, a distance of 71.34 feet to the beginning of a curve to the right, having a central angle of 52 deg 39 min 18 sec and a radius of 63.00 feet;

THENCE, around said curve, an arc distance of 57.90 feet to the end of said curve, an iron stake for corner;

THENCE, N. 65 deg 20 min 05 sec E., a distance of 22.87 feet to an iron stake for corner;

THENCE, S. 77 deg 19 min 13 sec E., a distance of 34.37 feet to an iron stake for corner;

THENCE, N. 65 deg 20 min 05 sec E., a distance of 166.04 feet to an iron stake for corner;

THENCE, S. 12 deg 40 min 47 sec W., a distance of 225.07 feet to the PLACE OF BEGINNING and containing 32,396 Square Feet or 0.7437 Acres of Land.

000082