

ORDINANCE NO. 2594

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING ORDINANCE NO. 2567 OF THE CITY OF MESQUITE, TEXAS, THE CITY OF MESQUITE SIGN ORDINANCE; BY ADDING A DEFINITION FOR BILLBOARD SIGN TO SECTION II, AND ADDING NEW PROVISIONS TO SECTION V RELATING TO BILLBOARD SIGN LOCATIONS AND SPECIFICATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 2567 of the City of Mesquite, The City of Mesquite Sign Ordinance, is hereby amended by adding a definition for Billboard sign to Section II, and adding provisions relating to location and specifications for Billboard signs to Section V as follows, the remaining portions of said sections and ordinance to remain in full force and effect:

Section II - Definitions. To the list of definitions in Section II, the following is added:

Billboard Sign: A sign adjacent to freeways and used for the purpose of off premise advertising and conveyance of messages, utilizing a monopole pylon type sign structure.

Section V - Sign Specifications. To the sign specifications contained in Section V the following is added:

Billboard signs - Purpose and Location:

For the purpose of off premise advertising and conveyance of messages, billboards utilizing a monopole pylon type sign structure shall be permitted in the following locations, erection or maintenance of a billboard structure at a location other than specifically permitted herein is prohibited:

Permitted Locations:

1. 1500 Hwy. 80, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
2. 1300 Hwy. 80, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "B", attached hereto and made a part of this ordinance for all purposes.
3. 600 Hwy. 80, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "C", attached hereto and made a part of this ordinance for all purposes.
4. 15300 I.H. 635, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "D", attached hereto and made a part of this ordinance for all purposes.
5. 15999 I.H. 635, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "E", attached hereto and made a part of this ordinance for all purposes.
6. 4610 Hwy. 67, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "F", attached hereto and made a part of this ordinance for all purposes.
7. 4030 Hwy. 67, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "G", attached hereto and made a part of this ordinance for all purposes.

8. 18901 I.H. 635, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "H", attached hereto and made a part of this ordinance for all purposes.
9. 3001 Hwy. 80, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "I" attached hereto and made a part of this ordinance for all purposes.
10. 22000 I.H. 635, Mesquite, Dallas County, Texas, said location being more particularly described in Exhibit "J", attached hereto and made a part of this ordinance for all purposes.

Specifications:

1. All signs must conform to the licensing and zoning regulations of the Texas Highway Beautification Act.
2. No sign shall exceed 400 square feet in size for each face.
3. No sign shall exceed 42½ feet in height as measured from the highest point of the sign to the grade level of the highway from which the sign is to be viewed.
4. No sign shall be located within 1500 feet of any other billboard sign on the same side of the highway.
5. Signs shall be set back a minimum of five (5) feet from all property lines.
6. Signs shall be of all steel single pylon construction. Design and specifications shall bear the seal of a licensed Professional Engineer in the State of Texas.
7. The initial permit fee to cover administrative processing and cost of inspection shall be \$100.00.
8. Billboards shall be allowed only at those locations described herein. Signs existing in the described locations on the date this Ordinance is passed shall be removed or converted to meet the specifications described herein within 120 days from the effective date of this Ordinance.
9. There shall be no procedure for obtaining a permit to erect or maintain a Billboard in any location other than those locations described herein.


SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. 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 upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to properly regulate Billboard Signs within 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of April, 1989.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney

66290

Sign Location #1

1500 Hwy. 80

LEGAL DESCRIPTION
SIGN LOCATIONSTATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the D. Tanner Survey, A-1462, Dallas County, Texas and being a part of a 48.15 acre tract as conveyed from C.S.H. Enterprises, Inc., trustee to John M. McMullen, trustee, as recorded in Volume 77175, Page 1402 of the Deed of Trust Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the south R.O.W. of Interstate Highway No. 20, with the east line of a 20.309 acre tract, a highway R.O.W. monument found for corner;

THENCE $50^{\circ}53'24''$ W, along the east line of said 20.309 acre tract, a distance of 37.71 feet to a point for corner;

THENCE $N89^{\circ}06'36''$ W, a distance of 83.89 feet to the base of a General Homes billboard sign.

D9.41

Sign Location #2

1300 Hwy. 80

LEGAL DESCRIPTION
SIGN LOCATION

BEING a tract of land out of the Daniel Tanner Survey, Abstract No. 1462, and being situated in the City of Mesquite, Dallas County, Texas, and also being part of a certain 66.53 acre tract conveyed to J.E. Smith by Deed recorded in Volume 2799 at Page 147 of the Deed Records of Dallas County, Texas, and a certain 0.689 acre tract conveyed by Emmitt Evans by Deed recorded in Volume 3021, Page 298 of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

COMMENCING at an iron rod at the intersection of the present South line of Interstate Highway 20 (U.S. Highway 80) with the West line of Crest Park Drive (50 foot R.O.W.), said point being in the East line of said 66.53 acre tract; THENCE North $89^{\circ} 45' 42''$ West, along the present South line of said Interstate Highway 20, a distance of 181.04 feet to a point for corner; THENCE South $0^{\circ} 14' 18''$ West, a distance of 10.11 feet to the place of Beginning;

THENCE South $06^{\circ} 27' 18''$ West, a distance of 30 feet to a point for corner;

THENCE North $83^{\circ} 32' 42''$ West, a distance of 1 foot to a point for corner;

THENCE North $06^{\circ} 27' 18''$ East, a distance of 30 feet to a point for corner;

THENCE South $83^{\circ} 32' 42''$ East, a distance of 1 foot to the place of BEGINNING and containing 30 square feet of land.

Sign Location #3

600 Hwy. 80

00292

LEGAL DESCRIPTION
SIGN LOCATIONSTATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the Henry Harter Survey, A-594, Dallas County, Texas and being a part of that called 0.796 acre tract as conveyed from Irvin M. Semingsen to Melvin W. Jackson, Sr., on November 17, 1970 and being more particularly described as follows;

COMMENCING at the west corner of said tract, said point being at the intersection of the northeast line of the W.H. Rowe Survey, A-1256, and the south R.O.W. of Interstate Highway 20 (U.S. Highway 80), a wood monument found for witness in the east R.O.W. Of Hillview Drive bears N75°52'00"W, 387.70 feet;

THENCE S74°52'00"E, along the south R.O.W. of Interstate Highway 20, a distance of 280.92 feet to a point for corner;

THENCE S33°58'55"W, a distance of 14.47 feet to the northerly base of a U.S. Homes billboard sign;

THENCE S33°58'55"W, a distance of 37.00 feet to the southerly base of said U.S. Homes billboard sign;

D 9.10-3

Sign Location #4

15300 I.H. 635

CG293

LEGAL DESCRIPTION
SIGN LOCATIONSTATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the Theophalus Thomas Survey, A-1461, Dallas County, Texas and being a part of Lot 1, Block A, Los Altos Commercial Addition to the City of Mesquite as recorded in Volume 86032, Page 2852 of the Plat Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the west corner of said tract, a 1/2" iron rod found for corner at the intersection of the southeast R.O.W. of LaPrada Drive (a 100' R.O.W.) and the easterly R.O.W. of Interstate Highway 635 (a variable width R.O.W.);

THENCE S25°07'12"E, along the easterly R.O.W. of Interstate Highway 635, a distance 570.66 feet to a point for corner;

THENCE N44°17'14"E, a distance of 16.55 feet to the westerly base of a Fox & Jacobs billboard sign;

THENCE N44°17'14"E, a distance of 44.07 feet to the easterly base of said Fox & Jacobs billboard sign.

D 9.11-2

Sign Location #5

15999 I.H. 635

C0294

LEGAL DESCRIPTION
SIGN LOCATIONSTATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the Theophalus Thomas Survey, A-1461, Dallas County, Texas and being a part of the Country Club Square Addition to the City of Mesquite as recorded in Volume 75012, Page 0485 of the Plat Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the most southerly southeast corner of Block 2, Tract D of said Country Club Square Addition, a 1/2" iron rod found for corner in the west R.O.W. of Interstate Highway 635 (a variable width R.O.W.), a concrete highway monument found for witness bears S10°51'00"E, 116.00 feet;

THENCE N10°51'00"W, along said R.O.W., a distance of 18.03 feet to a 1/2" iron rod set for corner;

THENCE N81°03'46"W, a distance of 20.94 feet to the easterly base of a DCA Homes billboard sign;

THENCE N81°03'46"W, a distance of 43.57 feet to the westerly base of said DCA Homes billboard sign.

09.11-1

Sign Location #6

EXHIBIT "F"

4610 Hwy. 67

00295

LEGAL DESCRIPTION
SIGN LOCATION

STATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the W.A. Cole Survey, A-261, Dallas County, Texas and being a part of that tract as conveyed from W.H. Smith to Milary Corporation as recorded in Volume 68109, Page 1992 of the Deed Records of Dallas County, Texas and being more particularly described as follows;

COMMENCING at the northwest corner of said tract, a 1/2" iron rod set for corner in the southeast R.O.W. of U.S. Highway 67;

THENCE N61°04'00"E, along the southeast R.O.W. of said U.S. Highway 67, a distance of 8.55 feet to a point for corner;

THENCE S17°21'35"E, a distance of 9.93 feet to the northerly base of a General Homes billboard sign;

THENCE S17°21'35"E, a distance of 37.50 feet to the southerly base of said General Homes billboard sign.

D 9.10-2

Sign Location #7

4030 Hwy. 67

CG296

LEGAL DESCRIPTION
SIGN LOCATION

STATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the J.E. Field Survey, A-1622, Dallas County, Texas and being a part of Lot 12, Block 1, Town East Estate No. 8, Second Installment to the City of Mesquite as recorded in Volume 67150, Page 1140 of the Plat Records of Dallas County, Texas and being more particularly described as follows;

COMMENCING at the northwest corner of said tract, a 1/2" iron rod found for corner at the intersection of the east R.O.W. of Abston Drive, (a 50' R.O.W.) and the south R.O.W. of U.S. Highway 67 (I.H. 30);

THENCE N60°14'00"E, along the south R.O.W. of U.S. Highway 67, a distance of 315.96 feet to a point for corner;

THENCE S30°14'31"E, a distance of 35.77 feet to the northerly base of a St. James Estates billboard sign;

THENCE S30°14'31"E, a distance of 24.83 feet to the southerly base of said sign;

D9.11-3

Sign Location #8

18901 I.H. 635

00297

LEGAL DESCRIPTION
SIGN LOCATIONSTATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the City of Mesquite, Dallas County, Texas, in the Daniel Tanner Survey, A-1462 and being a part of a 24.22 acre tract as conveyed from J.B. Galloway and Florence Galloway Jackson to Annie G. Riggs as recorded in Volume 4190, Page 301 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the north corner of said tract, said point being on the southwest line of Gus Thomasson Road;

THENCE S44°35'24"W, a distance of 905.25 feet to a 1/2" iron rod found for corner in the southwest R.O.W. of Interstate Highway 635, (a variable width R.O.W.);

THENCE S4°09'13"E, along said R.O.W., a distance of 50.11 feet to 1/2" iron rod found for corner;

THENCE S23°25'52"E, along said R.O.W., a distance of 365.55 feet to a concrete highway monument found for corner;

THENCE S7°35'06"E, along said R.O.W., a distance of 278.00 feet to a 1/2" iron rod found for corner in the northwest line of a Dallas Power and Light Company R.O.W.;

THENCE N51°05'58"W, a distance of 32.04 feet to the easterly base of a Braewood Homes billboard sign;

THENCE S88°48'12"W, a distance of 35.71 feet to the westerly base of said Braewood Homes billboard sign.

D9.10

Sign Location #9

3001 Hwy. 80

00298

LEGAL DESCRIPTION
SIGN LOCATION

STATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the Daniel Tanner League, A-1462, Dallas County, Texas and being a part of that called 5.00 acre tract as conveyed from Dillard R. LaRue to John D. LaRue, Trustee, as recorded in Volume 72136, Page 2028 and being a part of that called Tract One as conveyed from Henderson Clay Products Inc., to Lifelite Corporation as recorded in Volume 85171, Page 2582, all of the Deed Records of Dallas County, Texas and being more particularly described as follows;

COMMENCING at a 1/2" iron rod found for corner at the intersection of the westerly R.O.W. of Parkside Drive and the north R.O.W. of Interstate Highway 20, (U.S. 80);

THENCE S89°32'00"W, along the north R.O.W. of Interstate Highway 20, a distance of 384.18 feet to a point for corner;

THENCE N4°21'38"E, a distance of 28.82 feet to the southerly base of a Red Crown Inn billboard sign;

THENCE N4°21'38"E, a distance of 28.06 feet to the northerly base of said sign.

D 9.10-5

Sign Location #10

22000 I.H. 635

CG299

LEGAL DESCRIPTION
SIGN LOCATIONSTATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain tract or parcel of land in the McKinney & Williams Survey, A-1031, Dallas County, Texas and being a part of that called 6.352 acre tract as conveyed from H. Lloyd Lufkin, Trustee to H. Lloyd Lufkin et al as recorded in Volume 76206, Page 0749 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of said tract, a 1/2" iron rod found for corner in the west R.O.W. of Interstate Highway 635;

THENCE N22°57'00"W, along said R.O.W., a distance of 240.21 feet to a concrete highway monument found for corner;

THENCE N14°47'50"W, continuing along said R.O.W., a distance of 332.51 feet to a point for corner;

THENCE N84°12'27"W, a distance of 13.63 feet to the easterly base of a Centennial Homes billboard sign;

THENCE N84°12'27"W, a distance of 25.34 feet to the westerly base of said Centennial Homes billboard sign.

D 9.10-4

00300