

ORDINANCE NO. 2859
File No. TC-10

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CONDITIONAL USE PERMIT IN A COMMERCIAL DISTRICT TO ALLOW A PRIVATE CLUB WITH CERTAIN STIPULATIONS; 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 Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a Conditional Use Permit in a Commercial District to allow a private club with the following stipulations:

1. All conditions of Section 4-503 of the Zoning Ordinance shall be met;
2. Only one restaurant site shall be developed on this property, the remainder of the property will be restricted to retail use.

The subject 5.0149 acre tract is located in the 4000 block of Towne Crossing Boulevard; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite Zoning Ordinance.

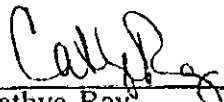
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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 1st day of February, 1993.



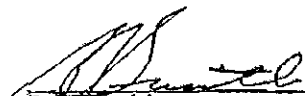
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B. J. Smith
City Attorney

Page 2

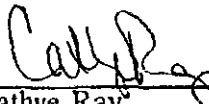
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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 1st day of February, 1993.



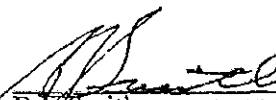
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B. V. Smith
City Attorney

00179

STATE OF TEXAS §
COUNTY OF DALLAS §

OWNER'S CERTIFICATE

WHEREAS, GENERAL MILLS RESTAURANTS, INC., is the owner of a tract or parcel of land situated in the city of Mesquite, Dallas County, Texas and being part of Lot 1, Block B of Towne Crossing, an addition to the City of Mesquite according to the plat recorded in Volume 83086, Page 844, Deed Records of Dallas County, Texas, being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the easterly line of Towne Crossing Boulevard (60 foot right-of-way), being the southwest corner of said Lot 1, and the northwest corner of Lot 2F, Block B of the Replat of Lot 2, Block B, Towne Crossing, an addition to the City of Mesquite according to the plat recorded in Volume 85125, Page 485, Deed Records of Dallas County, Texas and being in a curve to the left;

THENCE in a northwesterly direction with the easterly line of said Towne Crossing Boulevard and said curve to the left having a central angle of 18°22'24", a radius of 620.00 feet, an arc length of 177.18 feet, a chord bearing of North 56°17'39" West, a chord distance of 176.57 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner in the easterly line of said Towne Crossing Boulevard, being the end of said curve to the left and being the beginning of a curve to the right;

THENCE in a northwesterly direction with the easterly line of said Towne Crossing and said curve to the right, having a central angle of 19°49'21", a radius of 560.00 feet, an arc length of 193.74 feet, a chord bearing of North 54°34'10" West, a chord distance of 192.78 feet to a 1/2" iron rod found for corner in the easterly line of said Towne Crossing Boulevard;

THENCE North 72°19'13" East a distance of 845.87 feet to a 1/2" iron rod found for corner in the easterly line of said Lot 1 and being in the westerly line of Interstate Highway 635 (a variable width right-of-way);

THENCE South 27°19'11" East with the westerly line of Interstate Highway 635 and generally along a chain link fence a distance of 125.70 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner in the westerly line of said Interstate Highway 635;

THENCE South 12°11'21" East, with the westerly line of said Interstate Highway No. 635 and generally along said chain link fence a distance of 169.00 feet to a 1/2" iron rod found for corner in the westerly line of said Interstate Highway 635 and being the common corner of said Lot 1 and Lot 2F;

THENCE South 72°19'13" West with the common line of said Lot 1 and Lot 2F, a distance of 624.83 feet to the POINT OF BEGINNING and containing 218,449 square feet or 5.0149 acres of land, more or less.

00180