

ORDINANCE NO. 2864  
File No. 594-24A

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 CHANGE OF ZONING FROM GENERAL RETAIL TO SERVICE STATION; 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 change of zoning from General Retail to Service Station. The subject 10,653 square foot tract is located northeast of the North Galloway and Tripp 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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

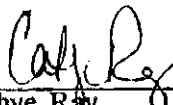
Page 2

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 15th day of February, 1993.

  
\_\_\_\_\_  
Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

DESCRIPTION OF ADDITIONAL PROPERTY TO BE REZONED

BEING a 0.2446 acre tract of land out of the Henry Harter Survey, Abstract No. 594 in the City of Mesquite, Dallas County, Texas, and being part of two deeds to Henry S. Miller as recorded in Volume 81003, Page 1064 and Volume 71057, Page 1958 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at an iron rod, being the intersection of the North ROW line of Tripp Road (a variable width ROW) and the East ROW line of Galloway Avenue (a 100' wide ROW);

THENCE: N 02° 07' 01" E, 198.00 feet along the East ROW line of Galloway Avenue to the TRUE PLACE OF BEGINNING;

THENCE: N 02° 07' 01" E, 30.85 feet along the East ROW line of Galloway Avenue to a point for corner;

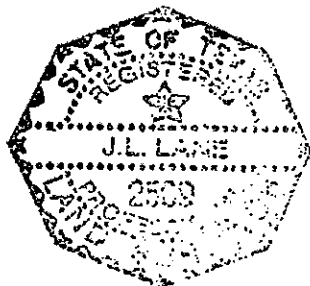
THENCE: S 87° 52' 59" E, 190.00 feet to a point for corner;


THENCE: S 02° 07' 01" W, 186.48 feet to a point for corner in the North ROW line of Tripp Road and in a curve to the left having a central angle of 02° 23' 26", a radius of 746.30 feet, a chord of S 76° 34' 05" W, 31.13 feet;

THENCE: Around said curve along the North ROW line of Tripp Road in a Westerly direction, an arc distance of 31.14 feet to a point for corner;

THENCE: N 02° 06' 55" E, 163.97 feet to a point for corner;

THENCE: N 87° 52' 59" W, 160.00 feet to the TRUE PLACE OF BEGINNING and containing 10,653 square feet or 0.2446 acres of land.



  
\_\_\_\_\_  
J. L. LANE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2509  
January 28, 1993

00194