

ORDINANCE NO. 2891
File No. DAL-2

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 TO ALLOW A CONDITIONAL USE PERMIT IN INDUSTRIAL FOR PAINT MANUFACTURING; 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 to allow a Conditional Use Permit in Industrial for Paint Manufacturing. The subject 9.88 acre tract is located in the Dalworth Industrial District, fronting Dalworth Drive, Carmack Street and Kearney 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite Zoning Ordinance.

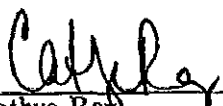
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

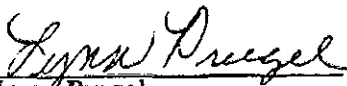
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of August, 1993.



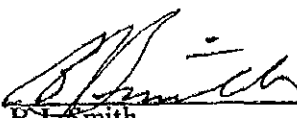
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

SITUATED in the State of Texas, County of Dallas and City of Mesquite, being part of the Jacob Lakey Survey, Abstract No. 219 and the McKinney and Williams Survey, Abstract No. 1024, being the re-survey of a 3.6682 acre tract, a 0.97 acre tract (abandoned railroad spur), a 1.377 acre tract, a called 4.0 acre tract and a called 0.648 acre tract, as recorded in Volume 91016, Page 1722, Volume 4060 Page 21 and Volume 4060, Page 25, Volume 127, Page 586, Volume and page unknown, and Volume 875, Page 774, respectively, of the Deed Records of Dallas County, said premises being more particularly described as follows:

BEGINNING at an iron rod found at the southeast corner of said 3.6682 acre tract, being in the west right-of-way line of Carmack Street and the north right-of-way line of Dalworth Drive;

THENCE partway with the north right-of-way line and margin of Dalworth Drive and the south line of said 3.6682 acre tract, South 89°50'30" West, passing at 349.88 feet a iron rod found marking the east right-of-way line said 0.97 acre railroad tract and the southwest corner of the 3.6682 acre tract, continuing in all 174.88 feet to a 1-inch iron rod set in the north margin of Dalworth Drive;

THENCE continuing partway with the north margin and right-of-way line of Dalworth Drive, North 85°12'00" West, passing at 25.0 feet an iron rod found marking the west right-of-way line of the 0.97 acre railroad tract and the southeast corner of said 4.0 acre tract, continuing in all 661.58 feet to a 1-inch iron rod set at the southwest corner of said 0.648 acre tract and marking the southwest corner of said premises;

THENCE departing the north right-of-way line of Dalworth Drive and with a west line of the 0.648 acre tract and said premises, North 00°20'23" West, 267.82 feet to a 1-inch iron rod set at the northwest corner of the 0.648 acre tract and marking the most westerly northwest corner of said premises;

THENCE with a north line of said premises, North 89°50'30" East, 233.67 feet to a 1-inch iron rod set at the southwest corner of said 1.377 acre tract;

THENCE with a west line of said premises and 1.377 acre tract, North 00°24'09" West, 150.0 feet to a 1-inch iron rod set marking the northwest corner of the 1.377 acre tract and the most northerly northwest corner of said premises, said corner being in the south right-of-way line of Kearney Street;

THENCE with the south right-of-way line of Kearney Street and the north line of said premises, North 89°50'30" East, passing at 400.0 feet the northwest corner of the 0.97 acre railroad tract, the northeast corner of the 1.377 acre tract, at 450.0 feet the northeast corner of the 0.97 acre railroad tract, the northwest corner of the 3.6682 acre tract and continuing in all 690.36 feet to a power pole found for corner marking the beginning of a curve to the right;

THENCE with said curve to the right, having a central angle of 89°49'00", a radius of 100.0 feet, and a chord of South 45°15'30" East, 141.17 feet, an arc distance of 156.73 feet to a 1-inch iron rod set marking the end of said curve and being in the west right-of-way line of Carmack Street;

THENCE with the west right-of-way line of Carmack Street and the east line of the 3.6682 acre tract, South 00°21'30" East, 234.06 feet to a cut "x" found marking the beginning of a curve to the left;

THENCE continuing with the west right-of-way line of Carmack Street and said curve to the left, having a central angle of 08°12'15", a radius of 990.37 feet, and a chord of South 04°27'37" East, 141.69 feet, an arc distance of 141.81 feet to the place of beginning and containing 9.8869 acres.

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