

ORDINANCE NO. 2926  
File No. 1462-212

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 FOR A CONDITIONAL USE PERMIT FOR OUTDOOR SALES AND DISPLAY OF NEW UTILITY TRAILERS; 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 for a Conditional Use Permit for Outdoor Sales and Display of New Utility Trailers. The subject property is a 1.0 acre tract located at 2564 U.S. Hwy. 80 East; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

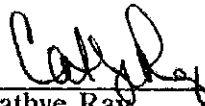
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

**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 18th day of October, 1993.

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

ATTEST:

APPROVED:

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

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

## Exhibit A

Being all that certain lot, tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, out of the Daniel Tanner Survey, Abstract No. 1462, also being part of a one acre tract conveyed to Charlotte Ann Smith and husband, James Edward Smith, by Deed recorded in Volume 4029, Page 518, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod for a corner in the South R.O.W. line of U.S. Highway 80 (I.H. 20 a 360 foot R.O.W.), said corner being North 89 deg. 57' West, 105.8 feet from the Northwest corner of Lot 23 Block 2 of Big Town Estates No. 3, as recorded in Volume 41, Page 155, of the Map Records of Dallas County, Texas, and also being North 89 deg. 57' West, 105.8 feet from the Northeast corner of said Charlotte Ann Smith tract;

THENCE South 00 deg. 03' West, parallel to the West line of said one acre tract, 208.71 feet to a 1/2" iron rod for a corner;

THENCE North 89 deg. 57' West, along the South line of said one acre tract, 102.91 feet to a 1/2" iron rod for a corner in the West line of said one acre tract;

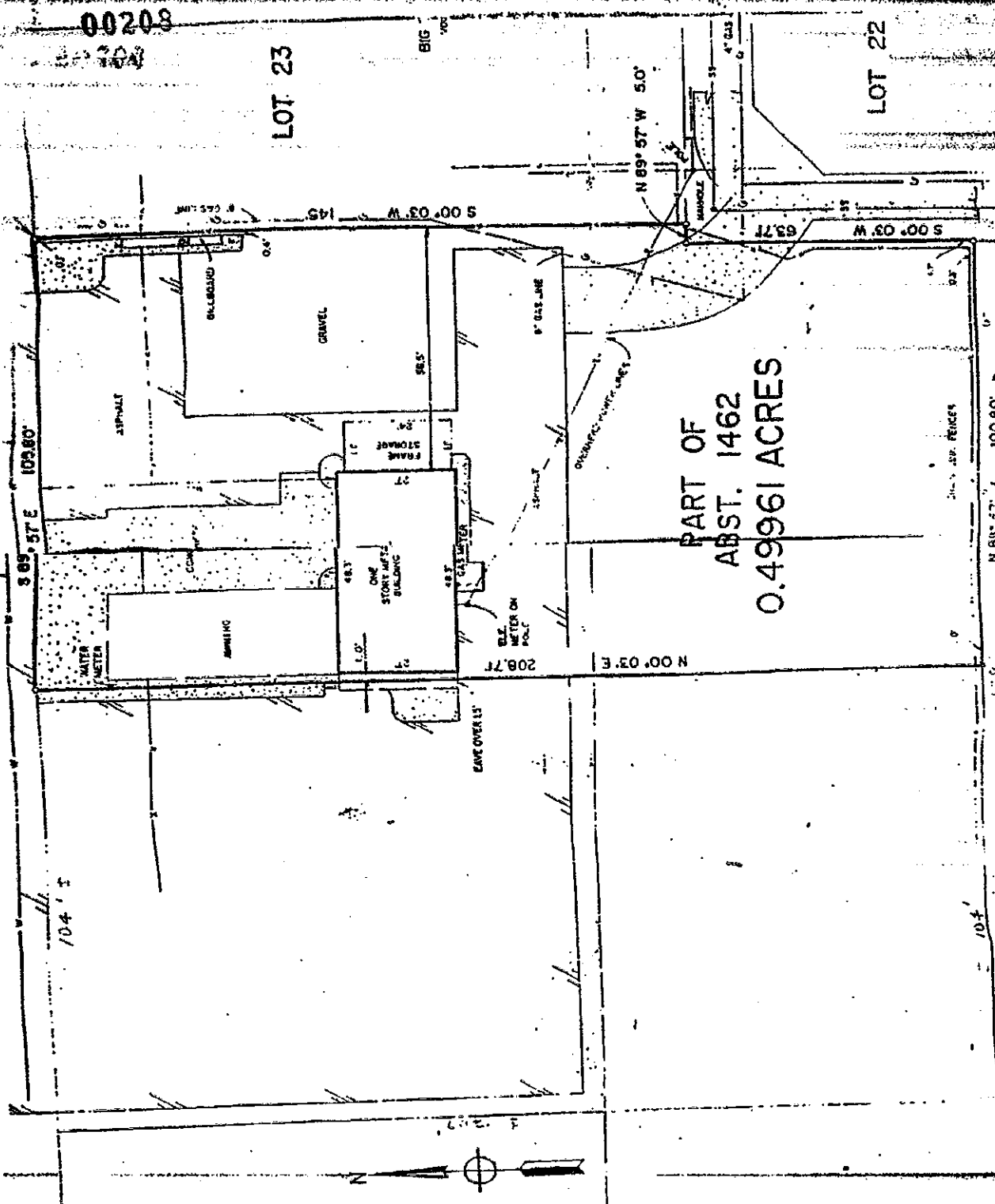
THENCE North 00 deg. 03' West, along the West line of said one acre tract, 208.71 feet to a 1/2" iron rod for a corner in the South R.O.W. line of U.S. Highway 80;

THENCE South 89 deg. 57' East, along the South R.O.W. line of U.S. Highway 80, 102.91 feet to the Place of BEGINNING and containing 21.478 square feet of land.

00208

LOT 23

LOT 22



PART OF  
 ABST. 1462  
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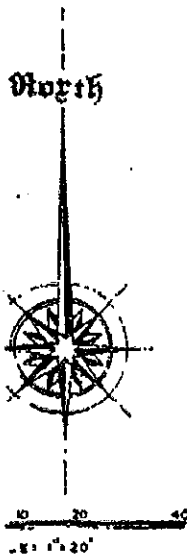
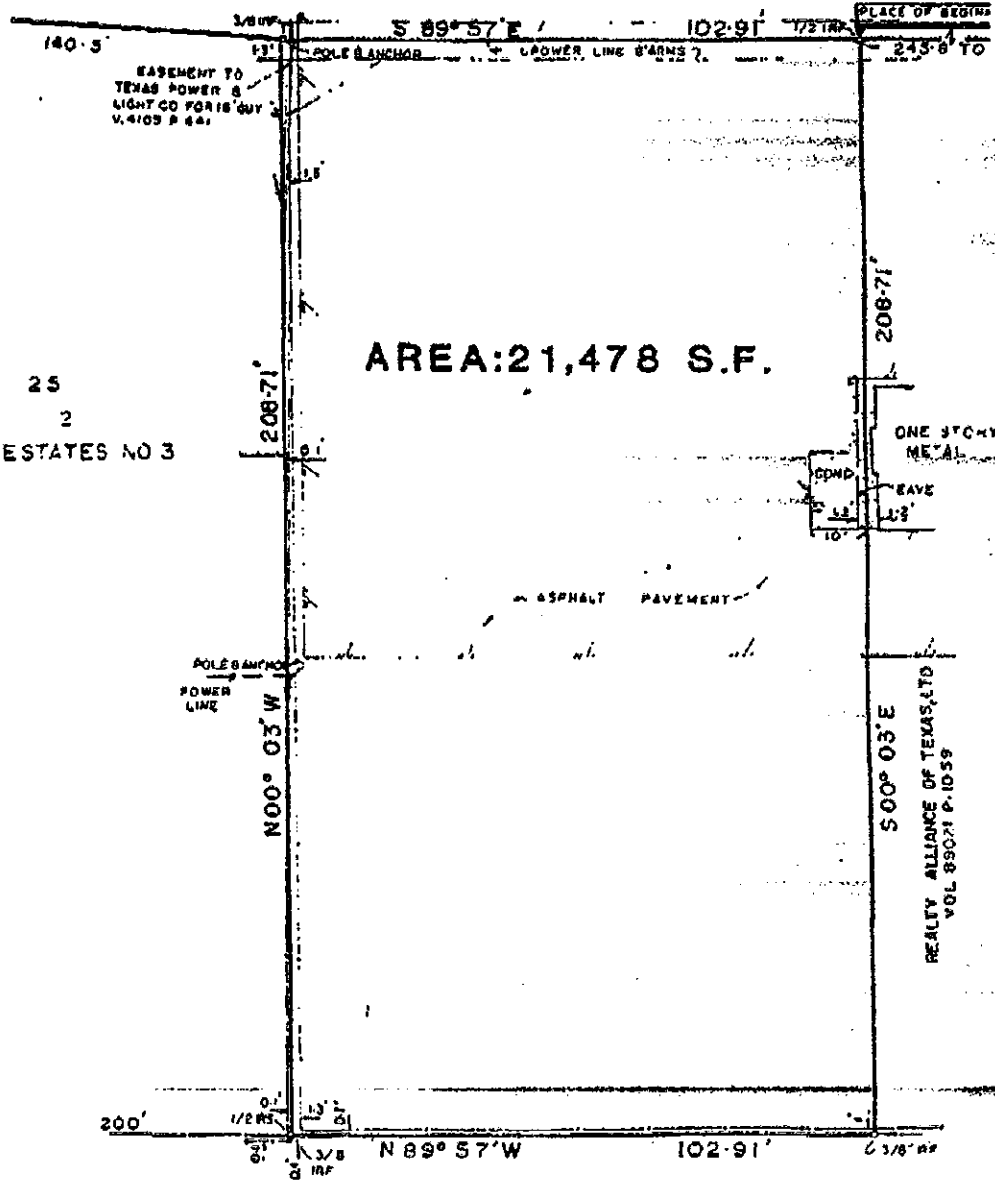
104' E

00209

( INTERSTATE HIGHWAY NO. 205 )

LOT 25  
BLOCK 2  
BIG "OWN" ESTATES NO 3

AREA: 21,478 S.F.



This is to certify, that I have this date, made a careful and accurate survey on the ground of property being located on U.S. Highway No. 80 in the City of Mesquite, Dallas County, Texas, out of the Daniel Tanner Survey, Abstract No. 1462, and being a part of a one acre tract of land conveyed to Charlotte Ann Smith, and husband James Edward Smith by deed recorded in Volume 4029, Page 518, Deed Records Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a point in the South right-of-way line of U.S. Highway No. 80, (Interstate Highway No. 20), (a 360 foot R.O.W.), said point being North 89 deg. 57 min. West, a distance of 245.80 feet from the intersection of the said South line of U.S. Highway No. 80 with the West line of Millie Drive, (a 50 foot R.O.W.), said point also being from the Northeast corner of Lot 23 in Block 2 of Big Town Estates No. 3, an addition to the City of Mesquite, Texas, according to the plat recorded in Volume 41, Page 155, of the Map Records of Dallas County, Texas, a 1/2 inch iron rod found at the Northwest corner of a tract of land conveyed to Realty Alliance of Texas, LTD, according to the deed recorded in Volume 89021, Page 1059, Deed Records Dallas County, Texas;

THENCE, South 00 deg. 03 min. East, with the West line of said Realty Alliance of Texas, LTD Tract, a distance of 208.71 feet to a point in the South line of said Smith Tract, a 3/8 inch iron rod found for corner;

THENCE, North 89 deg. 57 min. West, with the South line of said Smith Tract, a distance of 102.91 feet to the Southeast corner of Lot 25, Block 2 of Block 2, Lot 25, Big Town Estates No. 3, an addition to the City of Mesquite, Texas, according to the plat recorded in Volume 78152, Page 993, Map Records, Dallas County, Texas, a 1/2 inch iron rod set for corner;

THENCE, North 00 deg. 03 min. West, with the said East line of said Lot 25, a distance of 208.71 feet to a point in the said South line of U.S. Highway No. 80, a 3/8 inch iron rod found for corner;

THENCE, South 89 deg. 57 min. East, with the said South line of U.S. Highway No. 80, a distance of 102.91 feet to the PLACE OF BEGINNING and CONTAINING 21,478 square feet of land.

Property not located in 100-year flood plain area per FIRM Community Panel No. 485490 0005G (Zone C) Map Revised: July 15, 1992

DRIVE

00210

This survey was performed in connection with the transaction described in CV No. 93R03997 (CR5) of

Republic THESE COMPANY USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. And the plat herein is a true, correct, and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat; the size, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated and that the distance from the nearest intersection street, or road, is as shown on said plat EXCEPT AS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS OR PROTRUSIONS APPARENT ON THE GROUND.

Scale 1" = 20'  
Date 6/11/93  
Job 93835-1  
Drawn by



Ben D. Gault  
Registered Professional Land Surveyor 1470  
SURVEYING ASSOCIATES  
1018 S. Bentley, Suite, TN 75203  
Phone: (214) 948-3324  
Fax: (214) 948-7548

P. 24 '93 03:04PM TCI DALLAS AREA

P. 2/2

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DRIVE

Property not located in 100-year flood plain area per FIRM Community Panel No. 485490 0005G (Zone C)  
Map Revised: July 15, 1992

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Drawn by: \_\_\_\_\_



*Don D. Goltz*  
Registered Professional Land Surveyor 1670  
**SURVEYING ASSOCIATES**  
ADRI S. Beckley, Dallas, TX 75201  
Phone: (214) 946-1324  
Fax: (214) 946-1346

00210