

ORDINANCE NO. 2954
File No. EG-4

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 FOR A DAY CARE FACILITY, SUBJECT TO A MEDIAN OPENING ON EAST GLEN BOULEVARD ACROSS FROM THE ENTRANCE OF THE DAY CARE FACILITY; 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 for a Day Care Facility, subject to a median opening on East Glen Boulevard, across from the entrance of the day care facility. The subject 1.42 acre tract is located approximately 500 feet east of the Pioneer Road and East Glen Boulevard 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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 17th day of January, 1994.



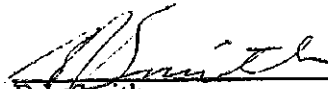
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

DESCRIPTION OF PROPERTY

Being a tract of land situated in the Thomas Scott Survey, Abstract No. 1353, City of Mesquite, Dallas County, Texas, and being a part of Lot 78, Block B, of East Glen Phase 1, and a Replat of Blocks 6, 7, and 8 of Mesquite Highlands, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 85040, Page 1473 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the southerly line of East Glen Boulevard (100 foot wide) at the northwest corner of Lot 78-B, Block B of East Glen Phase 1, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 87062, Page 2268 of the Map Records of Dallas County, Texas, said point being located North 72 deg. 03 min. 10 sec. East, along the southerly line of East Glen Boulevard, a distance of 154.14 feet from the northeast corner of said Lot 78;

THENCE South 17 deg. 56 min. 50 sec. West, along the westerly line of Lot 78-B, a distance of 237.57 feet to a point at the corner of a 6 inch wide concrete wall on the north line of an 18 foot wide alley;

THENCE North 89 deg. 59 min. 58 sec. West, along the north line of said alley, a distance of 85.54 feet to a 1/2 inch iron rod set for corner;

THENCE North 17 deg. 56 min. 50 sec. East, parallel to the westerly line of Lot 78-B, a distance of 258.93 feet to a 1/2 inch iron rod set in the southerly line of East Glen Boulevard;

THENCE South 72 deg. 03 min. 10 sec. East, along the southerly line of East Glen Boulevard, a distance of 81.38 feet to the PLACE OF BEGINNING and containing 19,999 square feet or 0.4591 acre of land more or less.

This survey is based on deeds, easements and/or recorded plats and other records when furnished by the client or the client's representative, as well as significant and visible monuments found on the subject property and adjacent properties, field measurements and evidence of boundaries found on the ground and is subject to all easements of record. This certification is not a representation of warranty of title or guarantee of ownership. This survey was performed for the above mentioned parties. The other parties and any other purpose or by others shall be at their risk.

AND

BEING a tract of land situated in the THOMAS SCOTT SURVEY, ABSTRACT NO. 1353, City of Mesquite, DALLAS County, Texas, and being a part of Lot 78, Block B of EAST GLEN PHASE 1 and a REPLAT OF BLOCKS 6, 7, AND 8 OF MESQUITE HIGHLANDS, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 85040, Page 1473 of the Map Records of DALLAS County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the southerly line of East Glen Boulevard (100 feet wide) at the Northwest corner of a certain 19,999 square foot tract of land conveyed by Synergized Development Company to Deary Best Academy of Mesquite, Inc., said point being located North 72 degrees 03 minutes 10 seconds West, 235.52 feet from the Northeast corner of said Lot 78, Block B;

THENCE South 17 degrees 56 minutes 50 seconds West along the Westerly line of said 19,999 square foot tract, a distance of 258.84 feet to a 1/2 inch iron rod found in the Northerly line of a 18 foot wide alley;

THENCE North 89 degrees 59 minutes 58 seconds West along the North line of said alley, a distance of 102.42 feet to a 1/2 inch iron rod set at the beginning of a curve to the left;

THENCE southwesterly continuing along said alley and with said curve to the left, having a central angle of 38 degrees 41 minutes 38 seconds, a radius of 88.00 feet, and a long chord bearing South 70 degrees 39 minutes 13 seconds West, 58.31 feet, an arc length of 59.43 feet to an "X" found at the Southeast corner of Lot 78-B, Block B, of East Glen Phase 1 Replat, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 92080, Page 2871, of the Map Records of DALLAS County, Texas;

THENCE North 16 degrees 48 minutes 22 seconds East along the Easterly line of said Lot 78-B, Block B, a distance of 325.79 feet to a 1/2 inch iron rod with cap marked "3949" found in the Southerly line of East Glen Boulevard;

THENCE South 72 degrees 03 minutes 10 seconds East along East Glen Boulevard, a distance of 150.13 feet to the PLACE OF BEGINNING and CONTAINING 41,910 square feet of land more or less.

00178