

ORDINANCE NO. 2955

File No. OT-67

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 CENTRAL BUSINESS DISTRICT TO PLANNED DEVELOPMENT DISTRICT ON TWO TRACTS SUBJECT TO 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 change of zoning from Central Business District to Planned Development District on two tracts subject to the following stipulations:

1. All uses permitted in the Central Business District;
2. Metal fabrication;
3. A metal building on Tract 2 with masonry on all sides facing a public street;
4. A primary outdoor storage yard on Tract 1;
5. PD Site Plan shall be in conformance with the concept plan presented, and its review and approval is delegated to the Development Review Committee.

The subject property is located in Original Town between McKinney Street and Texas Avenue. Tract 1 is defined as Lots 1R-4R, Block A, Ebrite's Second Addition, as recorded in the Dallas County Records; City of Mesquite, Dallas County, Texas, and Tract 2 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

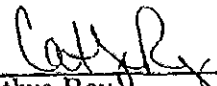
**SECTION 4.** That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

**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 7th day of February, 1994.

  
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Cathye Ray  
Mayor

ATTEST:

APPROVED:

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

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

TRACT 2

STATE OF TEXAS  
COUNTY OF DALLAS

WHEREAS Thomas L. Blankenship, is/are Owner(s) of a tract of land located at Ebrite Street, Kimbrough Street and McKinney Street in the City of Mesquite, Dallas County, Texas described as follows: Being all of Lot 1, 2, 3, 4, and part of Lot 5 Block C/39 of the original Ebrite Second Addition, as filed in Volume 163 at Page 486 of the Deed Records of Dallas County, Texas, Abstract #1024, and being more particularly described as follows:

BEGINNING at an "X" in the concrete and same being the intersection of the West R.O.W. line of Ebrite Street and the North R.O.W. line of Kimbrough Street; said point also being the Southeast corner at said original Lot 1 Block C/39 of Ebrite Second Addition;

THENCE North with the West R.O.W. of Ebrite Street and East line of Lots 1, 2, 3, 4, and part of Lot 5 for a total distance of 308.00 feet to a 1/2" iron rod set in the East line of said Lot 5 and the South R.O.W. line of McKinney Street for corner;

THENCE West along South R.O.W. of said McKinney Street and North line of said part of Lot 5 for a distance of 125.00 feet to a 1/2" rod found for corner;

THENCE South with the East line of a 15 foot alley as dedicated by Ebrite Second Addition and with said part of Lot 5 and all of Lots 4, 3, 2 and 1 for a total distance of 308.00 feet to a 1/2" iron rod found for corner;

THENCE East with the North R.O.W. of Kimbrough Street and South line of said Lot 1 for a total distance of 125.00 feet to an "Y" in the concrete and the Place of Beginning and containing 38,500 sq ft or 0.8838 acres of land, more or less.

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