

ORDINANCE NO. 3036
File No. 170-22

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 APPROVE A CONDITIONAL USE PERMIT FOR A DAY CARE CENTER; 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 approve a Conditional Use Permit for a day care center. The subject property is a 3000 foot lease space, being a part of Tract 6.1, Sheet 270, Abstract 170, located approximately 150 feet north of the Mimosa Lane and Belt Line Road intersection fronting the west side of Belt Line Road; City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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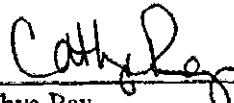
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SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part 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 5th day of June, 1995.



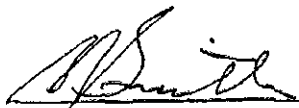
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B. J. Smith
City Attorney

BEING a tract of land situated in the City of Mesquite, Texas, part of the ROBERT BETHURUM SURVEY, ABSTRACT NO. 170, also being part of a tract of land conveyed to E.H.Hanby by deed recorded in Volume 2217, Page 212, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for corner in the Northwesterly right of way line of Belt Line Road (a 100' R.O.W.), being the Southeasterly corner of GALLOWAY PLACE, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 83084, Page 8208, Map Records, Dallas County, Texas, being in a curve to the right having a radius of 1,859.86 feet with a central angle of 04 degrees 35 minutes 15 seconds;

THENCE Southwesterly along said curve to the right, along the Northwesterly R.O.W. line of said Belt Line Road, an arc distance of 148.91 feet to the Northeasterly corner of a tract of land conveyed to Church of The Nazarene by deed recorded in Volume 4746, Page 287, Deed Records, Dallas County, Texas, a 1/2" iron rod found for corner;

THENCE South 88 degrees 49 minutes 25 seconds West, along the Northerly line of said Church of The Nazarene tract, passing at 200 feet the Northwesterly corner of said Church of The Nazarene tract and the Northeasterly corner of a called 0.688 acre tract of land conveyed to the First Church of the Nazarene of Mesquite, Texas by deed recorded in Volume 77224, Page 1688, Deed Records, Dallas County, Texas, a total distance of 275.37 feet, a 1/2" iron rod set for corner;

THENCE North 01 degrees 10 minutes 35 seconds West, a distance of 149.82 feet to the Northerly line of said Hanby tract, being in the Southerly line of an 18' alley of said GALLOWAY PLACE, a 1/2" iron rod set for corner;

THENCE South 89 degrees 57 minutes 01 seconds East, along the Northerly line of said Hanby tract and the Southerly line of said 18' alley, a distance of 316.68 feet to the PLACE OF BEGINNING and containing 1.00 acres, more or less.

NOTE: According to the F.I.R.M. in Community Panel No. 485490 0010 E, this property is not located in the 100 year flood plain.
Zone C.

I hereby certify that this survey was made under my supervision and the plat hereon is a true, correct and accurate representation of the property as determined by an on the ground survey.

Scale: 1" = 40'
Date: 5-24-93

w.s.: 51130
Inv. No. 46399

By: *Don Parish*
Don Parish
PARISH SURVEYORS, INC.
7800 Military Parkway



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