

ORDINANCE NO. 3052
File No. EDE-16

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 TO ALLOW A COIN OPERATED GAMEROOM IN CONJUNCTION WITH A 10-SCREEN MOVIE THEATER WITH A MAXIMUM OF FIFTEEN (15) GAMES ALLOWED; 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 to allow a coin operated gameroom in conjunction with a 10-screen movie theater with a maximum of fifteen games allowed. The subject property is a 6.0 acre tract located approximately 200 feet west of the U.S. Hwy. 80 Frontage Road and Belt Line Road intersection; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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 September, 1995.

Cathy Ray
Cathy Ray
Mayor

ATTEST:

APPROVED:

Lynn Prugel
Lynn Prugel
City Secretary

B.J. Smith
B.J. Smith
City Attorney

DESCRIPTION
6.000 ACRE TRACT

00201

BEING A 6.000 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE S.W. CALDWELL SURVEY, ABSTRACT NUMBER 337, IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN VOLUME 85244, PAGE 1539, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF LOTS 6, 7, 8, AND 9, EAST DALLAS ESTATES ADDITION TO THE CITY OF MESQUITE, AS RECORDED IN VOLUME 6, PAGE 62, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF LOT 9-A, AS SHOWN ON THE REPLAT OF PART OF LOT 9 OF EAST DALLAS ESTATES, AS RECORDED IN VOLUME 86116, PAGE 4308, OF THE AFOREMENTIONED DEED RECORDS, SAID IRON PIPE ALSO BEING IN THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 80. (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE N 77°18'10" W, 639.10 FEET WITH SAID NORTH RIGHT-OF-WAY TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF LOT 5, OF THE AFOREMENTIONED EAST DALLAS ESTATES ADDITION;

THENCE N 01°26'42" E, 347.33 FEET WITH THE EAST LINE OF SAID LOT 5 TO A 1/2" IRON ROD SET, WITH PLASTIC CAP STAMPED NDM;

THENCE S 88°14'57" E, 653.65 FEET TO A 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED NDM;

THENCE S 01°36'20" W, 117.38 FEET TO A 1/2" IRON ROD SET, WITH PLASTIC CAP STAMPED NDM, SAID IRON ROD BEING IN THE NORTH LINE OF LOT 9-B, OF THE AFOREMENTIONED REPLAT OF PART OF LOT 9 OF EAST DALLAS ESTATES;

THENCE N 89°01'50" W, 12.35 FEET WITH SAID NORTH LINE TO A 3/4" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF SAID LOT 9-B;

THENCE S 03°45'10" W, 351.34 FEET WITH THE WEST LINE OF SAID LOT 9-B AND THE WEST LINE OF THE AFOREMENTIONED LOT 9-A TO THE POINT OF BEGINNING AND CONTAINING 6 ACRES. (261,360 S.F.) OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE DEED FOR A 17.4334 ACRE TRACT OF LAND, AS RECORDED IN VOLUME 92229, PAGE 3306, DEED RECORDS, DALLAS COUNTY, TEXAS.

6.0000 ACRE TRACT
OUT OF THE S. W. CALDWELL SURVEY
ABSTRACT NO. 337
CITY OF MESQUITE, TEXAS

BASIS OF BEARING
REPLAT OF EAST DALLAS ESTATES
LOT 8-A, ADDITION
VOLUME 78054, PAGE 3255

DATE: 8.1.95
SCALE: NTS
NDM JOB# 95.06.054

NDM
5054SU.DWG

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
Three Northpark / 8800 N. Central Expwy. / Suite 300
Dallas, Texas 75231 / Ph. (214) 739-4741

SUB:
00202

LOT 8-A
VOL. 78054 PG. 3

EAST DALLAS ESTATES
VOL. 8 PG. 82

N 01°26'42" E - 347.33'

UTL. CSME
4' Outer Line Track

S 88°14'57" E - 653.65'

281,360 S.F.
6.000 Ac.

N 89°01'50" W
12.35'

S 01°36'20" W 117.38'

EXXON
CORPORATION
VOL. 86116
PG. 4308
LOT 9-B

S 03°45'10" W - 351.34'

EXXON
CORPORATION
VOL. 86116
PG. 4308
LOT 9-A

POINT OF BEGINNING

N 77°18'10" W - 639.10'

U. S. HIGHWAY NO. 80

6.0000 ACRE TRACT
OUT OF THE S. W. CALDWELL SURVEY
ABSTRACT NO. 337
CITY OF MESQUITE, TEXAS

BASIS OF BEARING
REPLAT OF EAST DALLAS ESTATES
LOT 8-A, ADDITION
VOLUME 78054, PAGE 3255

DATE: 8.1.95
SCALE: NTS
NDM JOB# 95.08

NDM 5054SU.DWG

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