

ORDINANCE NO. 3077

File No. 1-20

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 AN ELECTRIC UTILITY DISTRIBUTION SUBSTATION, SUBJECT TO THE INSTALLATION OF THE SCREENING, LANDSCAPING AND IRRIGATION; 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 an electric utility distribution substation, subject to the installation of the screening, landscaping and irrigation. The subject 2.5 acre tract is a located 1500 feet east of the McKenzie Road and Lawson 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

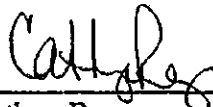
and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 5th day of February, 1996.




Cathye Ray
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

SURVEY PLAN

EXHIBIT "A"
Page 1 of 2

BEING a 2.50 acre tract of land situated in the CITY OF MESQUITE, DALLAS County, Texas and being a part of the JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1, and being a part of the called 34.4286 acre tract of land described to ROBERT R. ANBRIDGE, CHARLES W. FLETCHER and CHARLES L. HEIKS by Special Warranty Deed recorded in Volume 86023, Page 3597 of the Deed Records, Dallas County, Texas and some being part of the CHARLES W. FLETCHER called 15.5670 acre save and except remainder tract of called 34.42963 acre tract of land as described in a WARRANTY DEED to PAUL E. WAINWRIGHT and wife, RUBY LEE WAINWRIGHT as recorded in Volume 91101, Page 2724, of the Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at an iron rod found in the North right-of-way of Lawson Road and being the Southwest corner of said FLETCHER called 15.5670 acre tract of land;

THENCE North 45 degrees 19 minutes 00 seconds West departing said North right-of-way of Lawson Road continuing along the West line of said FLETCHER called 15.5670 acre tract a distance of 278.70' feet to an iron rod set for corner;

THENCE North 70 degrees 19 minutes 28 seconds East departing said West line of said FLETCHER called 15.5670 acre tract, a distance of 470.49 feet to an iron rod set for corner;

THENCE South 19 degrees 47 minutes 41 seconds East, a distance of 284.38 feet, to an iron rod set, in the North right-of-way of Lawson Road, for corner;

THENCE South 75 degrees 43 minutes 28 seconds West along said North right-of-way of Lawson Road a distance of 352.04 feet to the PLACE OF BEGINNING and containing 2.50 acres of land.

I, R. J. DAUH, Registered Professional Land Surveyor, State of Texas, do hereby certify to that: this survey was made on the ground by me or under my supervision; this plat correctly represents the facts found at the time of the survey; the Property surveyed (the "Property") abuts and has access to and from a public roadway as shown; all recorded easements and other exceptions, as noted in the Title Company's Commitment for Title Insurance GF.# 95R11967 dated February 1, 1995 have been correctly platted hereon.

PROPOSED CARTWRIGHT SUBSTATION
Date : February 22, 1995
Job No. : 9253
Revision: 2/23/95 (general)
 2/27/95 (general)


Registered Professional Land Surveyor No. 4026

00260

SURVEY PLAN

PAGE 2 OF 2



94' TO CENTER LINE
TRANSMISSION

SCALE 1" = 60'
PROPOSED CARTWRIGHT
SUBSTATION 2.5 ACRE
IPA # 9253
FEBRUARY 22, 1995
REVISED: 2/23/95 (GENERAL)

EXISTING TRANSMISSION LINE

470.0' S

REMARKS: FLETCHER
CALLED SAKE AND EXCEPT IS 5870
VOLUME 91101, PAGE 272.

N 70°19'28" E
701.928'



100' TEXAS POWER & LIGHT
COMPANY ENGINEER 501
VOLUME 5018, PAGE 114
VOLUME 5018, PAGE 114
DEED IN TEXAS
COURT.

EXISTING FENCE

2.5 ACRE

N 45°19'0" W
1437.995' TO 1437.995' TO 1437.995' TO 1437.995'

EXISTING FENCE

TOP OF BANK
278.70'
583.65'

ROBERT BERANEK
VOL. 85231 PAGE 3199
TRACT 3

CRBEX

PLACE OF
BEGINNING

IRON ROD
FOUND
CONTRACING WORKSHEET

SLOPE EASIMENT PER
COUNTY OF DALLAS
LAWSON ROAD
PARTS SHEET 5 OF 5

352.04'

S 75°43'28" W
(RECORD BEARING)

LAWSON ROAD

EXISTING FENCE

IRON ROD
SET
N 75°31'56" E
TO IRON ROD
MONUMENT
CONTROLLING
CORNER

756.40'

204.38'

EXISTING FENCE

EXISTING FENCE

EXISTING FENCE