

ORDINANCE NO. 3092

File No. 1462-217

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 MINIWAREHOUSES, SUBJECT TO SITE PLAN APPROVALS; 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 miniwarehouses, subject to site plan review and approval by the Planning and Zoning Commission and City Council. The subject 4.96 acre tract is located at the southwest corner of the Franklin Drive and Tripp Road intersection (2233 Franklin Drive); 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

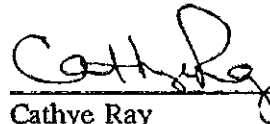
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SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part 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 3rd day of June, 1996.



Cathye Ray
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

STATE OF TEXAS)

COUNTY OF DALLAS)

EXHIBIT "A"

OWNERS CERTIFICATE

4235.OWN

WHEREAS, Central Self Storage Investors VII, are the owners of a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, the subject tract being all of a 1.8606 acre tract of land conveyed to Central Self Storage Investors VII by the deed recorded in Volume Page , of the Deed Records of Dallas County, Texas (DRDCT), and all of Lot 1, Block A of Centre Place, an addition to the City of Mesquite according to the file plat recorded in Volume 83221, Page 3892 (DRDCT), the subject tract being more particularly described as follows;

BEGINNING at the most Northerly corner of the subject tract, located at the intersection of the Southeasterly line of Tripp Road (a 60' ROW) with the Southwesterly line of Franklin Road (a 70' ROW at this point), a 1/2" Iron pin found at corner;

THENCE, Along the said Franklin Road Southwesterly line and the Northeasterly line of the subject tract, the following;

S 45' 30' 00" E, a distance of 313.07 feet to a 1/2" iron pin found at corner;

N 44' 24' 40" E, a distance of 10.00 feet to a 1/2" iron pin found at corner;

S 45' 30' 00" E, a distance of 193.50 feet to the most Easterly corner of the subject tract and the Northerly corner of the tract of land conveyed to Ola Mae Spurlock, a 3/8" iron pin found at corner;

THENCE, S 44' 47' 20" W, along the Southeasterly line of the subject tract and the Northwesterly lines of said Ola Mae Spurlock tract, Lot 1, Block A of Nehrmeyer, an addition to the City of Mesquite, according to the file plat recorded in Volume 80174, Page 2286 (DRDCT), and Lot 3, Block A of Centre Place Addition, an addition to the City of Mesquite according to the file plat recorded in Volume 92228, Page 0032 (DRDCT), a distance of 423.57 feet to the most Southerly corner of the subject tract, a 1/2" iron pin with a cap stamped Dal-Tech found at corner;

THENCE, N 44' 06' 32" W, along the Southwesterly line of the subject tract and the Northeasterly line of said Lot 3, Block A of Centre Place Addition, a distance of 145.72 feet to the Northerly corner of said Lot 3, Block A of Centre Place Addition and the most easterly corner of Lot 2, Block A of Centre Place Addition, an addition to the City of Mesquite according to the file plat recorded in Volume 86018, Page 2188 (DRDCT), an "X" in concrete found at corner;

THENCE, continuing along the Southwest line of the subject tract and the Northeast line of said Lot 2, Block A of Centre Place Addition, the following;

N 45' 27' 37" W, a distance of 45.04 feet to an "X" in concrete found at corner;

N 45' 35' 00" W, a distance of 346.80 feet to the most Westerly corner of the subject tract, located at a point on the previously mentioned Tripp Road Southeasterly line, a 1/2" iron pin set at corner, from which a 5/8" iron pin with a cap stamped Nelson bears S 37' 20' 07" W, a distance of 0.65 feet;

THENCE, N 49' 06' 30" E, along the Southeasterly line of said Tripp Road, a distance of 411.84 feet to the PLACE OF BEGINNING, with the subject tract containing 216,304± square feet or 4.9657 acres of land.

ROAD

60' E ROW INDICATION 193.50'

3/8" iron pin found

00064