

ORDINANCE NO. 3136File No. 1462-221

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 CHANGE OF ZONING FROM GENERAL RETAIL TO COMMERCIAL WITH THE PROVISION THAT THE SITE PLAN AND LANDSCAPING BE PROVIDED AS PRESENTED; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 change of zoning from General Retail to Commercial, with the provision that the site plan and landscaping be provided as presented. The subject property is a 0.91 acre tract located at the southeast corner of the U.S. Hwy. 80 East Frontage Road and Rayburn Avenue 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

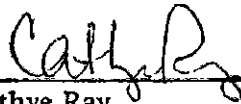
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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 February, 1997.

  
\_\_\_\_\_  
Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

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

PROPERTY DESCRIPTION

BEING all that certain lot, tract, or parcel of land, lying in the City of Mesquite, Dallas County, Texas, being out of the Daniel Tanner Survey, Abstract No. 1462, and being a part of a 0.9607 acre tract conveyed to W.G. Rusk by deeds recorded in Volume 5514, Page 86, and Volume 3352, Page 571 (Tract 2), Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a concrete monument with a brass cap found at the intersection of the South line of the 0.0406 acre tract conveyed to the State of Texas in deed recorded in Volume 79144, Page 2033, Deed Records, Dallas County, Texas (and being the new South line of U.S. Highway 80 (a 320 foot R.O.W.)) with the East line of Rayburn Avenue (a 60 foot R.O.W.);

THENCE South 87 degrees 12 minutes 07 seconds East, along the new South the new Souline of said U.S. Highway 80, a distance of 52.03 feet to a 1/2" iron rod set;

THENCE South 88 degrees 50 minutes 15 seconds East, continuing along the new South line of said U.S. Highway 80, a distance of 67.60 feet to a 1/2" iron rod set in the East line of said 0.9607 acre Rusk tract and being in the Northwest corner of a tract of land conveyed to Louis Bridges by deed in Volume 85030, Page 266, Deed Records, Dallas County, Texas;

THENCE South 0 degrees 45 minutes 50 second East, along the common boundary line of said 0.9607 acre Rusk tract and Bridges tract, a distance of 284.41 feet to a 1/2 inch iron rod found, being in the Southeast corner of said 0.9607 acre Rusk tract and the Southwest corner of said Bridges tract;

THENCE South 89 degrees 06 minutes 30 seconds West, along the South line of said 0.9607 acre Rusk tract, a distance of 139.60 feet to a 1/2 inch iron rod found with yellow cap in the Southwest line of same tract.

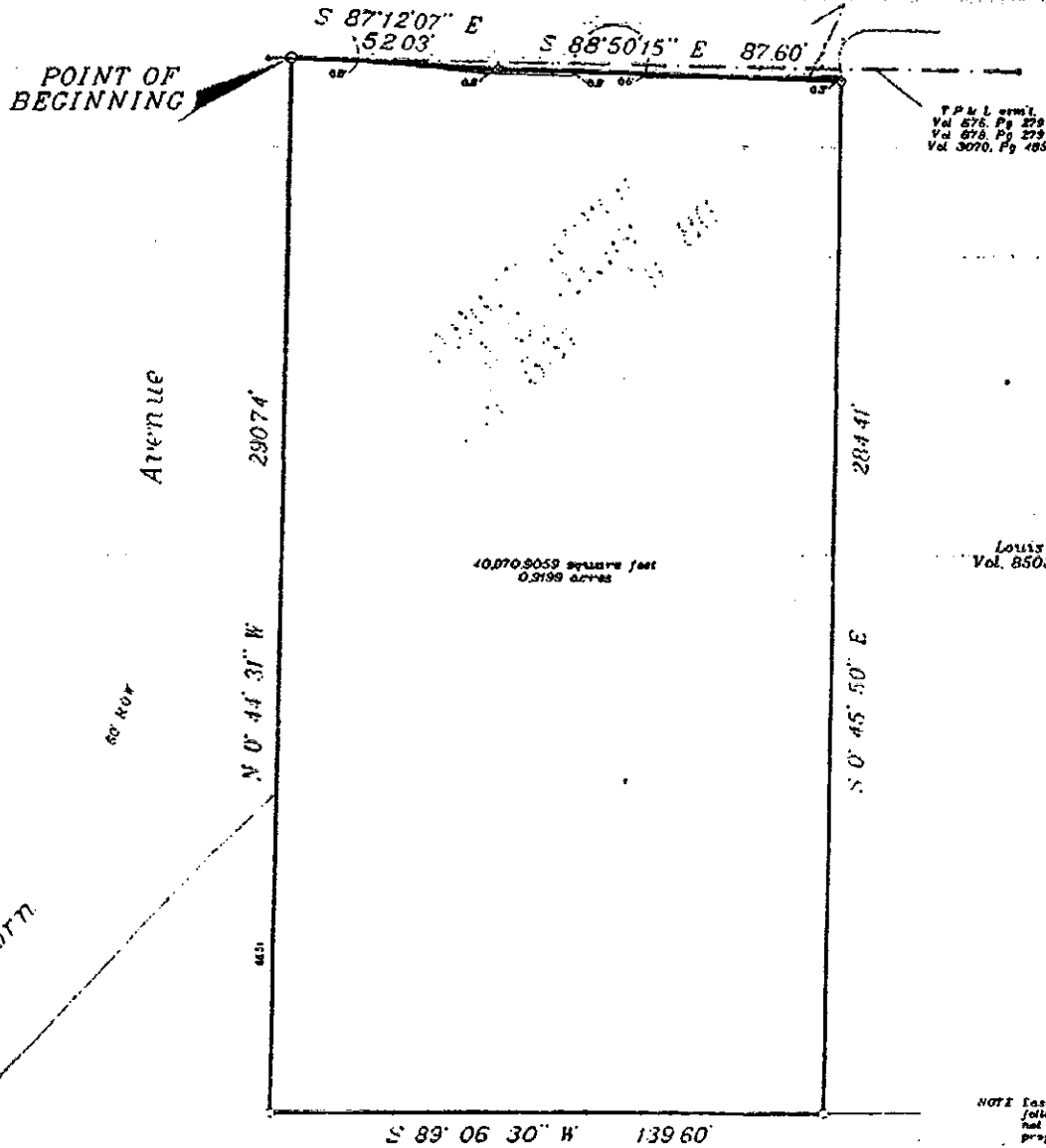
THENCE North 0 degrees 44 minutes 31 seconds, along the West line of said 0.9607 acre Rusk tract, 88.51 feet to the intersection with the East line of said Rayburn Avenue and continuing along the common line of same tract and said East line of Rayburn Avenue, a total distance of 290.74 feet to the POINT OF BEGINNING and containing 40,070.9059 square feet or 0.9199 acres of land

00176

EXHIBIT "A"  
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U. S. Highway 80  
320' R.O.W.

In the State of Texas, 1914, Pg. 2033



WILKINSON MIDDLE SCHOOL

The undersigned Registered Professional Surveyor (Louis Cornally, hereinafter referred to as "Surveyor"), hereby certifies that the plat of survey and the property description set forth hereon are true and correct and were prepared from an actual and thorough survey of the land property (the "Property") shown hereon by said Surveyor, was conducted by the Surveyor or under his supervision, and all monuments shown hereon actually exist and the location, size and type of material thereof are correctly shown (all except as shown hereon there are no encroachments on the Property, or prohibitions thereon, there are no encroachments on the Property, there are no visible discrepancies, conflicts, shortages in area or boundary line conflicts, let the size, location and type of improvements are as shown hereon and all are located within the boundaries of the Property, and let back from the Property, and the distance indicated, to the nearest intersecting street or road, as shown (all the property has access to and from a public roadway and in the boundaries, dimensions and other other details shown hereon are true and correct).

NOTE: BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 85030, PAGE 266. NOTE: According to the 1914 U.S. Community Page No. 485480, 0000, and does not include the 100 year flood zone.

LEGEND	
○ 1/2" IRON ROD FENCE	THIN JUNK FENCE
⊗ 1/2" IRON PIPE FENCE	WIRE FENCE
○ PIPE FENCE	BARBED WIRE FENCE
□ FENCE POST CORNER	IRON FENCE
⊗ X FENCE IN CONCRETE	CONCRETE
⚡ UNDERGROUND ELECTRIC	COVERED AREA
⚡ OVERHEAD ELECTRIC	DRIVE ADJACENT PAVING