

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 ZONING CHANGE FOR A CONDITIONAL USE PERMIT FOR DAY CARE SERVICES SUBJECT TO THE STIPULATION THAT THERE BE NO OVERNIGHT VEHICLE PARKING IN FRONT OF THE FRONT BUILDING LINE; 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 zoning change for a Conditional Use Permit for Day Care Services, subject to the stipulation that there be no overnight vehicle parking in front of the front building line.

The subject property is a 3.0158 acre tract located at the east corner of the Clay Mathis Road and Edwards Church Road intersection, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

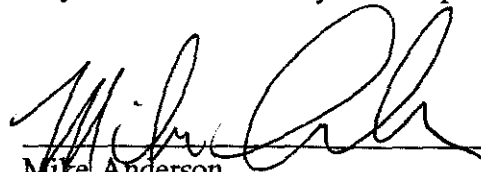
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

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 20th day of July, 1998.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney

BEING a tract of land situated in the I. Edwards Survey, Abstract No. 445, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed by deed to Willard R. Baker, as recorded in Volume 84107, Page 177, and being part of a tract conveyed by substitute trustee deed to Guaranty Federal Savings Bank as recorded in Volume 90110, Page 3371-3405 Deed Records of Dallas County, Texas, and being more particularly described as follows:.

BEGINNING at a 1/2 inch iron rod found in the Southeast right of way line of Edwards Church Road (50.00 foot right of way), said iron rod being at the North end of a corner clip curve which joins the Northeast right of way line of Clay-Mathis Road (100 foot right of way);

THENCE North 45 degrees 09 minutes 48 seconds East, along the Southeast line of Edward Church Road, a distance of 259.23 feet to a 1/2 inch iron rod found for corner, said iron rod being a corner on the West boundary of Creek Crossing Estate No. 11, Phase I, an addition to the City of Mesquite, Texas as recorded in Volume 86174, Page 7954 of Deed Records of Dallas County, Texas;

THENCE departing the Southeast line of Edward Church Road, and along the common boundary line of said Creek Crossing Estate No. 11, as follows:

South 44 degrees 16 minutes 56 seconds East, a distance of 326.04 feet to a 1/2 inch iron rod found for corner, said corner being the point of curvature of a circular curve to the right, said curve having a central angle of 89 degrees 26 minutes 19 seconds, a radius of 40.00 feet and tangent of 39.61 feet;

Along said curve to the right, an arc length of 62.44 to a 1/2 inch iron rod found at the point of tangency of said curve;

South 45 degrees 09 minutes 48 seconds West, a distance of 326.04 feet to a 1/2 inch iron rod found for corner, said corner being in the Northeast line of said Clay-Mathis Road;

THENCE North 44 degrees 16 minutes 56 seconds West, along said northeast line of Clay-Mathis Road, a distance of 269.33 feet to a 1/2 inch iron rod found at the point of curvature of a corner clip curve to the right, said curve having a central angle of 89 degrees 26 minutes 43 seconds, a radius of 97.36 feet, and tangent of 96.42 feet;

THENCE along said corner clip which joins the Northeast line of Clay-Mathis Road and the Southeast line of Edwards Church Road, an arc length of 161.99 feet to the POINT OF BEGINNING and containing 3.0158 acres or 131,368 square feet of land, more or less.