

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 LOCATE A CELLULAR TOWER 92 FEET FROM AN EXISTING TOWER; 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 changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication, 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 locate a cellular tower 92 feet from an existing tower. The subject property is a 0.158 acre tract located approximately 1700 feet south of the Hickory Tree Road and IH 635 intersection, between Hickory Tree Road and IH 635, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

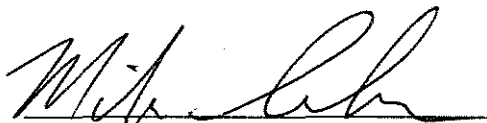
SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part

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 16th day of November, 1998.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

LEGAL DESCRIPTION
PROPOSED NEXTEL SITE

Being a 0.1583 acre (6,895 square foot) tract of land being a part of Lot 2, Nuno Addition #2, an addition to the city of Mesquite, Dallas County, Texas, as shown by plat recorded in Volume 85134, Page 1272 of the Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a concrete monument found in the southwesterly right of way line of Interstate 635 and marking the southeasterly corner of said lot 2;

THENCE, North 89° 47' 40" West, along the south line of said lot 2, a distance of 99.17 feet to the POINT OF BEGINNING of the herein described tract;

THENCE, North 89° 47' 40" West, continuing along the south line of lot 2, a distance of 108.86 feet to a point for corner.

THENCE, North 00° 12' 20" East, a distance of 75.00 feet to a point for corner;

THENCE, South 89° 47' 40" East, 75.00 feet north of and parallel with said south line of lot 2, a distance of 75.00 feet to a point for corner;

THENCE, South 24° 05' 35" East, a distance of 82.29 feet to the POINT OF BEGINNING and containing 0.1583 acre (6,895 square feet) of land, more or less.