

ORDINANCE NO. 3299

File No. 170-25

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 R-3 RESIDENTIAL TO LIGHT COMMERCIAL; 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 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 R-3 Residential to Light Commercial. The subject property is a 3.99 acre tract located approximately 200 feet east of the North Belt Line Road and U.S. Highway 80 East frontage road intersection (144 U.S. Highway 80 East) City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A" Tracts B and C.

SECTION 2. 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 3. 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 4. 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 5. 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 6. That 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 7th day of June, 1999.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B.J. Smith
City Attorney

TRACT B

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the R. Bethurum Survey, Abstract No. 170 and the McKinney & Williams Survey, Abstract No. 1028, Dallas County, Texas, and being that tract of land conveyed from Annie Hanby to George Venner and wife, Patricia Paschall Venner, by deed recorded in Volume 4740, Page 150, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod set for the Southeast corner of said Venner tract and at an inside ell corner of that tract of land owned by the City of Dallas;

THENCE: North 03° 35' 36" East along the East line of said Venner tract, a distance of 301.27 feet to a 1/2" iron rod set for a corner and the Point of Beginning;

THENCE: North 87° 53' 52" West a distance of 338.13 feet to the West line of said Venner tract;

THENCE: North 02° 10' 06" East along said West line passing at 201.67 feet a brass cap found at the Southeast corner of Lot 1, Block 2, Belt Line-U.S. 80 Addition, an addition to the City of Mesquite recorded in Volume 87005, Page 4864, Deed Records, Dallas County, Texas and continuing a total distance of 514.50 feet to a 1/2" iron rod set for a corner on the South ROW line of U.S. 80;

THENCE: South 77° 19' 00" East along said South ROW line, a distance of 42.85 feet to a 1/2" iron rod found for a corner;

THENCE: South 80° 35' 00" East continuing along said South ROW line, a distance of 310.10 feet to a 1/2" iron rod set for a corner on the West line of a City of Dallas tract;

THENCE: South 03° 35' 36" West along the East line of said Venner tract, a distance of 467.31 feet to the Point of Beginning and containing 168,575 square feet or 3.87 acres of land.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated the plat. There are no encroachments, conflicts, or protrusions, except as shown.



Harold L. Evans, P.E., Registered Professional Land Surveyor No. 2146

H. EVANS

ENGINEER
C 28355

IN ROAD, SUITE 102

(214) 328-8133

PROPERTY SURVEY

ROBERT BETHURUM SURVEY, ABSTRACT NO. 170 &

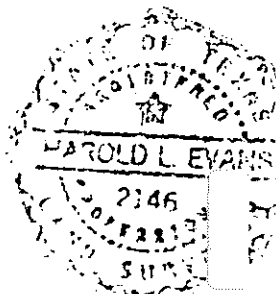
Dallas

TRACT C

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the R. Bethurum Survey, Abstract No. 170 and the McKinney & Williams Survey, Abstract No. 1028, Dallas County, Texas, and being a part of Lot 2, Block 2 of Belt Line/US 80 Addition No. 2, an addition to the City of Mesquite, Texas, recorded in Volume 86144, Page 1792, Plat Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set on the East line of Belt Line Road, a 1 foot right-of-way, at the Northwest corner of said Lot 2;
THENCE: South 87° 56' 21" East a distance of 200.23 feet to a brass cap found in concrete at the Northeast corner of of said Lot 2 and also on the West line of that tract of land conveyed to George Venner & wife, Patricia Paschall Venner by deed recorded in Volume 4740, Page 150, Deed Records, Dallas County, Texas;
THENCE: South 02° 10' 06" West a distance of 27.00 feet, with the common line of said Lot 2 and the Venner Tract, to a 1/2" iron rod set for a corner;
THENCE: North 87° 56' 21" West a distance of 200.21 feet, traversing said Lot 2, to a 1/2" iron rod set for a corner on the East line of Belt Line Road;
THENCE: North 02° 08' 08" East, along said right-of-way line a distance of 27.00 feet to the Point of Beginning and containing 5,406 square feet or 0.12 acre of land.



1. Delete A.T. & T. Co Esm't.	11-11-97
2. Add Tract C & 27' Esm't. Strp for Parking to CNL (Wendy's).	12-03-97

HAROLD
CONSULT
P.O. B
2331 CUS THOMAS