

ORDINANCE NO. 3300
File No. ER-8

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 A-1 APARTMENT TO GENERAL RETAIL; 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 A-1 Apartment to General Retail. The subject property is a 1.032 acre tract located east of Ebrite Street between Highland Village Drive and Grubb Drive, City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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.

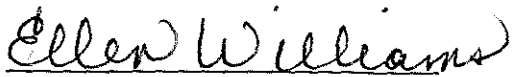
SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall 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

BEING a tract of land in the Swing and Laws Survey, Abstract No. 1396, the J. Lacky Survey, Abstract No. 810, and M.L. Swing Survey, Abstract No. 1397, City of Mesquite, Dallas County, Texas, and being part of Block 22 of the El Rosa Addition, an addition to the City of Mesquite, as recorded in Volume 39, Page 83, of the Map Records, Dallas County, Texas, and being more fully described as follows:

BEGINNING at the intersection of the southeasterly right-of-way line of Highland Village Drive (a 50' wide R.O.W.) with the cut-off line between the easterly line of Ebrite Street (a 50' wide R.O.W.) and Highland Village Drive, said point also being the northerly northwest corner of this tract;

THENCE North 75°47'14" East with said right-of-way a distance of 62.87 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for the northeast corner of this tract in the westerly line of the replat of Block 23 and Part of 24 and 25 of El Rosa Addition, an addition to the City of Mesquite as recorded in Volume 85112, Page 1330, Dallas Records, Dallas County, Texas;

THENCE South 01°02'44" East along the common line between said Replat of Block 23 and Part of 24 and 25 and said part of Block 22, passing at 260.21 feet, the westerly common corner of said Replat of Block 23 and Part of 24 and 25 and Lot 1, Block 24A of the El Rosa Addition Replat, an addition to the City of Mesquite as recorded in Volume 85141, Page 832, Deed Records, Dallas County, Texas, and continuing along the common line between part of Block 22 and said Lot 1, Block 24A, a total distance of 560.67 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for the southeast corner of this tract and northeast corner of Block 21;

THENCE North 89°48'54" West along the common line between said Block 21 and said Block 22, passing the northwesterly corner of Block 21 at 76.32 feet and continuing a total distance of 81.57 feet to a 1/2" iron rod found for the southwest corner of this tract and being on the east right-of-way line of Ebrite Street (50' R.O.W.);

THENCE North 01°19'37" West along said east right-of-way line of Ebrite Street, a distance of 483.00 feet to a 1/2" iron rod found for corner;

THENCE North 19°11'22" East a distance of 65.66 feet to the POINT OF BEGINNING and containing 1.032 acres of land, more or less.

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