

ORDINANCE NO. 3346

File No. 1462-229

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 REQUEST FROM PLANNED DEVELOPMENT MULTIFAMILY TO 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 zoning change from Planned Development Multifamily to Commercial. The subject property is a 3.054 acre tract located south of Towne Centre Drive and north of the U.S. Highway 80 East Frontage Road, recorded as Block 1, Lot 1. The Barons Addition, recited in the deed to Edward Wolski recorded in Volume 93191, Page 2544 of the Deed Records of 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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.

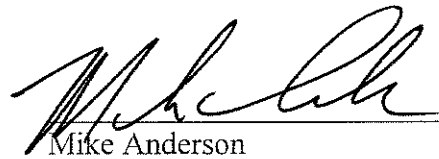
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph, phrase, or section 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 6th day of December, 1999.



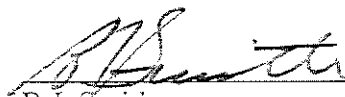
Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

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FIELD NOTES

Being a tract of land situated in the Daniel Tanner League, Abstract No. 1462, in the city of Mesquite, Dallas County, Texas, and being part of that certain tract of land described in deed to Edward Wolski (Tract I) recorded in Volume 93191, Page 2544 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with NDM cap found for the Northeast corner of a tract of land known as Lot 1, Block 1 The Barons, according to the Plat recorded in Volume 97038, Page 01110 of the Plat Records of Dallas County, Texas, said iron rod also lying on the Southeast line of a Dallas Power & Light Company easement, according to the Deed recorded in Volume 5547, Page 38 D.R.D.C.T.;

THENCE North 74 degrees 54 minutes 50 seconds East along said Southeast line, a distance of 313.36 feet to a point for corner for corner;

THENCE South 04 degrees 27 minutes 33 seconds East leaving said Southeast line, a distance of 515.00 feet to a point for corner;

THENCE South 86 degrees 29 minutes 27 seconds West, a distance of 237.62 feet to a point for corner on the Easterly line of the aforementioned Barons addition;

THENCE North 13 degrees 17 minutes 13 seconds West, along said Easterly line, a distance of 458.71 feet to the POINT OF BEGINNING and containing 3.054 acres, 133,015 square feet of land, more or less.

The basis of bearings for this description is South 15 degrees 08 minutes 44 seconds West according to the monumented Westerly line of I.H. 635, and recited in the deed to Edward F. Wolski recorded in Volume 93191, Page 2544 D.R.D.C.T.

