

ORDINANCE NO. 3377
File No. 261-29

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING ORDINANCE NO. 3229 BY DELETING SECTION 1.2. IN ITS ENTIRETY AND INSERTING A NEW SECTION 1.2. REGARDING THE SCREENING REQUIREMENT; 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 all 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 Ordinance No. 3229 by deleting Section 1.2. in its entirety and inserting a new Section 1.2. regarding the screening requirement to read as follows, said ordinance in all other respects to remain in full force and effect.

- 1.2. Wrought iron fencing and a hedge row along the east property line and the south property line adjacent to the trailer park and allowing chain-link fencing along the remainder of the south property line.

The subject property is a 1.88 acre tract located southwest of the U. S. Highway 67 and Big Town Boulevard intersection, Dallas County, Texas, and is more fully described in Exhibit "A", attached hereto.

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 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 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 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 the above amendment 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 August, 2000.



Mike Anderson

Mayor

ATTEST:



Ellen Williams

City Secretary

APPROVED:



B.J. Smith

City Attorney

FIELD NOTE DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the W. A. Cole Survey, Abstract No. 261, Dallas County, Texas and being a part of a certain called 7.598 acre tract of land conveyed from R.S. Berry, S.E. Berry, Norma B. Kokles, Karen L. Kokles and Kimble C. Kokles to Cummins Sales and Service, Inc., dated July 16, 1980 and recorded in Volume 80143, Page 1663 of the Deed Records of Dallas County, Texas and being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod found on the West right-of-way of Big Town Boulevard (a 60 foot right-of-way) at the Northeast corner of said Cummings Tract and the Southeast corner of a certain tract of land described by deed from L.C. Mayo and wife, Peggy Mayo to Holiday Rambler Corporation, dated December 28, 1982 and recorded in Volume 83010, Page 3776 of the Deed Records of Dallas County, Texas;

THENCE: South 00 degrees 07 minutes 03 seconds East, along the West line of Big Town Boulevard, a distance of 145.00 feet to a 1/2 line iron rod set for corner;

THENCE: North 88 degrees 56 minutes 00 seconds West, parallel to the North line of said Cummins Tract, a distance of 567.24 feet to a 1/2 inch iron rod set for corner on the West line of same and being on the East line of a certain tract of land described by deed from Jack Ludwick and wife, Betty Jo Ludwick to the Texas Highway Department (Texas Department of Transportation) dated March 11, 1953 and recorded in Volume 3820, Page 633 of the Deed Records of Dallas County, Texas;

THENCE: North 00 degrees 07 minutes 03 seconds West, along the common line of said Texas Highway Department and said Cummins Tract, a distance of 145.00 feet to a 1 inch iron pipe found for corner at the Northwest corner of said Cummins Tract and the Southwest corner of the aforementioned Holiday Rambler Corporation Tract;

THENCE: South 88 degrees 56 minutes 00 seconds East, with the South line of said Holiday Rambler Corporation Tract and the North line of said Cummins Tract, a distance of 567.24 feet to the PLACE OF BEGINNING and containing (82.232 square feet) 1.888 acre of land, more of less.