

ORDINANCE NO. 3395

File No. CV15-25

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 PLANNED DEVELOPMENT MULTIFAMILY 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 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 the Zoning Map of the City of Mesquite so as to approve a change of zoning from Planned Development Multifamily to General Retail.

The subject property is a 0.881-acre tract located northeast of the Oates Drive and San Marcus Avenue intersection, fronting Oates Drive, and is more fully described in the approved field notes 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.

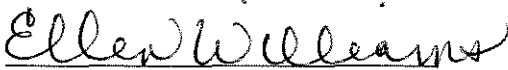
SECTION 6. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite creates an urgency and emergency for the 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 October, 2000.



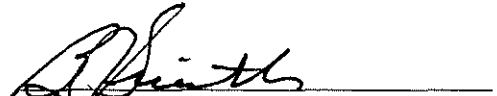
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

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Field Notes

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STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, MANUAL DeBUSK is the sole owner of a tract of land located in the JOHN HARDIN SURVEY, ABSTRACT No. 545, Dallas County, Texas according to the deed recorded in Volume 93041, Page 1929 of the Deed Records of Dallas County, Texas and being the remainder of Lot 2, Block 21, Casa View Heights # 15, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 79162, Page 1521 of the Map Records of Dallas County, Texas together with Certificate of Correction recorded in Volume 84146, Page 1026 and Volume 84146, Page 2454 of the Deed Records of Dallas County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 3/4-inch iron rod found at the most Easterly corner of Lot 1-A, Block 21, Casa View Heights No. 15, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 87231, Page 5683 of the Map Records of Dallas County, Texas and lying in the Northwest right-of-way line of Oates Drive (a 100-foot wide right-of-way),

THENCE N 38° 30' 00" W, 150.00 feet along the Northeast boundary line of said Lot 1-A to a 1/2-inch iron rod set at the most Northerly corner thereof lying in the Northwest boundary line of aforesaid Lot being the Southeast boundary line of Lot 3, said Block 21,

THENCE N 51° 30' 00" E, 251.09 feet along the common boundary line between said Lots 2 and 3 to a 1/2-inch iron rod set at the most Northerly corner of said Lot 2 lying in the Southwest right-of-way line of an 18-foot wide alley,

THENCE S 42° 09' 14" E, 150.31 feet along the Northeast boundary line of said Lot 2 with the Southwest right-of-way line of said alley to a 1/2-inch iron rod set at the most Easterly corner of said Lot 2 lying in the aforesaid Northwest right-of-way line of Oates Drive,

THENCE S 51° 30' 00" W, 260.67 feet along the Southeast boundary line of said Lot 2 with the said Northwest right-of-way line of said Oates Drive to the PLACE OF BEGINNING, containing 0.881 acre (38,382 square feet) of land.