

ORDINANCE NO. 3491

File No. 82-2

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 COMMERCIAL TO INDUSTRIAL; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 Commercial to Industrial.

That the subject property is a 30.72-acre tract located approximately 2,300 feet west of the Samuell Boulevard and Big Town Boulevard intersection, fronting the north side of Samuell Boulevard, and is described more fully 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 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 codified in Chapter 11 of the Mesquite City Code.

SECTION 4. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 upon conviction in the Municipal Court shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) for each offense.

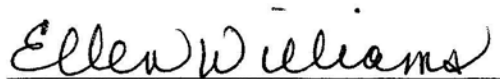
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 18th day of March, 2002.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

LEGAL DESCRIPTION

BEING a 30.72 acre tract of land situated in the City of Mesquite, Dallas County, Texas, being situated in the Isaac Beeman Survey, Abstract Number 82, and being a portion of the tract of land described in deed to the Buckner Orphans Home, recorded in Volume 2595, Page 436, Deed Records of Dallas County, Texas, (D.R.D.C.T.), said 30.72 acre tract of land being more particularly described as follows:

COMMENCING at a found "X"-cut on a 3-inch diameter brass Texas Department of Transportation right-of-way monument in concrete four inches below ground level, having Texas State Plane North Central Zone 4202 Grid Coordinates of North 6,977,890.0303 feet and East 2,527,277.4946 feet, said point being on the south right-of-way line of U.S. Highway 80 (a variable width right-of-way), said point also being the southeast corner of that certain tract of land as described in the deed to the State of Texas in Volume 76140, Page 1661, D.R.D.C.T., said point also being on the east line of said Buckner Orphans Home tract, said point also being on the west line of the Big Town Addition, an addition to the City of Mesquite, according to the plat thereof recorded in Volume 37, Page 215, Map Records of Dallas County, Texas, (M.R.D.C.T.);

THENCE South 00 degrees 37 minutes 50 seconds East, along the common line between said Buckner Orphans Home tract and said Big Town Addition, a distance of 719.81 feet to a set PK nail for the POINT OF BEGINNING of the herein described tract of land;

THENCE South 00 degrees 37 minutes 50 seconds East, continuing along said common line, a distance of 1,365.74 feet to a set "X" cut, said point being in the north right-of-way line of Samuell Boulevard (a variable width right-of way, being 120 feet wide at this point);

THENCE South 89 degrees 32 minutes 31 seconds West, departing said common line and along said north right-of-way line of Samuell Boulevard, a distance of 984.31 feet to a 1/2-inch set iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC.", (hereinafter referred to as "with cap") for corner;

THENCE North 00 degrees 01 minute 22 seconds East, departing said north right-of-way line, a distance of 1,375.24 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 89 degrees 53 minutes 54 seconds East, a distance of 968.70 feet to the POINT OF BEGINNING AND CONTAINING 1,338,247 square feet or 30.72 acres of land, more or less.

Basis of Bearing is the Texas State Plane Coordinate System, 1983, North Central Zone 4202, City of Mesquite Geodetic Control Network, based upon GPS measurements from horizontal control monument "GPS1" and "GPS5". Convergence angle at "GPS1" is = 01 degrees 01 minutes 01.5034 seconds as published in the City of Mesquite Control Network. Combined Scale Factor (CSF) 0.999861855, Surface Coordinates equal Texas State Plane Coordinates divided by CSF.

