

ORDINANCE NO. 3541

File No. 567-2

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 AGRICULTURAL AS CLASSIFIED AT ANNEXATION TO AGRICULTURAL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; 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, by annexation, the property that is the subject of this zoning change was zoned AG-Agricultural; and

WHEREAS, in August 2002 an application for zoning was received by the City of Mesquite; and

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 AG-Agricultural Zoning is appropriate zoning of the property and the change of zoning from AG-Agricultural by annexation to AG-Agricultural 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 Agricultural at annexation to Agricultural.

That the subject property is an 82.47-acre tract located at the southeast terminus of Shannon and Lumley Roads and is more fully described in the approved field notes in Exhibit "A" attached hereto.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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, codified in Chapter 11 of the Code of the City of Mesquite.

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.

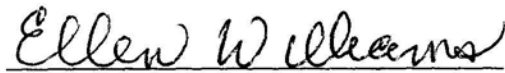
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of November, 2002.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B. J. Smith  
City Attorney

All that certain lot, tract or parcel of land situated in Dallas County, Texas, to wit:

Being a part of the Samuel A. Haught Survey, Abstract No. 567, Dallas County, Texas, and described as follows:

BEGINNING at the intersection of the center lines of Lumley Road and County Road No. 191, which is also the East corner of the Samuel A. Haught Survey;

THENCE, South 45 deg. West with the center line of County Road No. 191, and the Southeast line of said Survey, 1973 feet;

THENCE, North 44 deg. 40 min. East with the original center of Shannon Road, 1894.1 feet;

THENCE, North 43 deg. 56 min. East with Webb's Southeast line 1990 feet;

THENCE, South 44 deg. 10 min. East with the center of Lumley Road, 1930.6 feet to the place of beginning, containing 87.02 acres of land, less 4.55 acres deeded to Dallas County for roads, leaving net 82.47 acres of land, according to the survey, dated October 17, 1953, made by X. X. Embrey, Licensed Land Surveyor.