

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 R-2 TO COMMERCIAL ON TRACT 1; TO APPROVE THREE CONDITIONAL USE PERMITS ON FOUR TRACTS OF LAND ON PROPERTY ZONED COMMERCIAL THEREBY ALLOWING OUTDOOR SALES OF NEW AND USED VEHICLES SUBJECT TO CERTAIN STIPULATIONS; 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 change of zoning from R-2 to Commercial on Tract 1 and to approve three Conditional Use Permits on four tracts of land on property zoned Commercial thereby allowing outdoor sales of new and used vehicles subject to the following stipulations:

1. Tract 1: From R-2 to Commercial with a Conditional Use Permit for outdoor sales and display of new and used vehicles and the Conditional Use Permit is effective only if said lot is operated as part of and in conjunction with the new car dealership located at 18411 IH-635.
2. Tract 2: A Conditional Use Permit for outdoor sales and display of new and used vehicles.
3. Tract 3 and 4: A Conditional Use Permit for outdoor sales and display of new and used vehicles as a remote lot but only if such lots are operated as part of and in conjunction with the new car dealership located across North Mesquite Drive at the location whose address is 18411 IH-635.
4. If the transfer of property takes place as agreed, the Conditional Use Permit for Tract 3 shall be terminated.

5. If the transfer of property does not take place as agreed, the zoning change for Tract 1 shall be terminated and all non-school vehicles removed.

That the four subject properties are generally located north and west of Town East Ford at 18411 IH-635 and are 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 are 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.

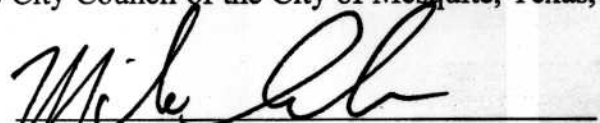
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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.

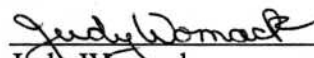
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

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.

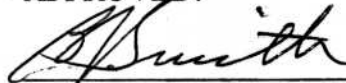
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of March, 2003.

  
Mike Anderson  
Mayor

ATTEST:

  
Judy Womack  
City Secretary

APPROVED:

  
B. J. Smith  
City Attorney

**PROPERTY DESCRIPTION  
TRACT I**

**BEING** all that certain lot, tract or parcel of land situated in the Zach Motley Survey, Abstract No. 1007 and the John T. Nelms Survey, Abstract No. 1095, in the City of Mesquite, Dallas County, Texas, and being a portion of those certain tracts of land conveyed to Mesquite Independent School District (MISD) by warranty deed as recorded in Volume 124, Page 1639 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described by metes and bounds as follows:

**BEGINNING** at the shaft of a sheared-off brass disc in concrete found in the westerly line of Interstate Highway No. 635 (IH 635) (variable width right-of-way) for the southeast corner of said MISD tracts, said corner also being the northeast corner of Tract 1 of Seeds Subdivision, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 72019, Page 1831 of the Map Records of Dallas County, Texas;

**THENCE** S 69°02'18" W, departing said westerly line of IH 635 and with the southerly line of said MISD tracts and the northerly line of said Tract 1 of Seeds Subdivision, 251.52 feet to a 1/2" iron rod found for the southwest corner of said MISD tracts in the northeasterly line of North Mesquite Drive (variable width right-of-way), said iron rod also being the most northerly northwest corner of said Tract 1 of Seeds Subdivision;

**THENCE** N 45°19'10" W, with said northeasterly line of North Mesquite Drive, 242.60 feet to a 1/2" iron rod with plastic cap stamped "NDM" set for corner;

**THENCE** N 44°40'50" E, departing said northeasterly line of North Mesquite Drive, 34.15 feet to an "X" cut in concrete set for corner;

**THENCE** N 82°29'01" E 93.50 feet to a 1/2" iron rod with plastic cap stamped "NDM" set for corner;

**THENCE** N 07°30'59" W 113.00 feet to a 1/2" iron rod with plastic cap stamped "NDM" set for corner;

**THENCE** N 81°59'01" E 270.50 feet to a 1/2" iron rod with plastic cap stamped "NDM" set for corner in the aforementioned westerly line of IH 635;

**THENCE** S 08°00'59" E, with said westerly line of IH 635, 269.50 feet to the **POINT OF BEGINNING** and containing 2.1299 acres (92,779 square feet) of land, more or less.



**PROPERTY DESCRIPTION  
TRACT II**

**BEING** all that certain lot, tract or parcel of land situated in the Zach Motley Survey, Abstract No. 1007 and the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being Tract 1, Seeds Subdivision, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 72019, Page 1831 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described by metes and bounds as follows:

**BEGINNING** at the shaft of a sheared-off brass disc in concrete found in the westerly line of Interstate Highway No. 635 (IH 635) (variable width right-of-way) at the southeast corner of a portion of those certain tracts of land conveyed to Mesquite Independent School District (MISD) by warranty deed as recorded in Volume 124, Page 1639 (DRDCT), said corner also being the northeasterly corner of said Tract 1 of Seeds Subdivision;

**THENCE** S 11°29'42" E, with said westerly line of IH 635, 403.24 feet to an "X" cut in concrete for corner;

**THENCE** S 11°05'57" E, continuing with said westerly line, 104.97 feet to a 5/8 inch iron rod with "GSES, INC., RPLS 4804" cap for corner;

**THENCE** S 13°20'31" E, continuing with said westerly line, 65.24 feet to a 5/8 inch iron rod with "GSES, INC., RPLS 4804" cap for corner at the northeasterly corner of Lot 1, Block 1, Haverty Subdivision, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 93004, Page 1511, D.R.D.C.T.;

**THENCE** S 76°39'29" W, departing said westerly line of IH 635 and with the northerly line of said Haverty Subdivision, 297.90 feet to a 5/8 inch iron rod with "GSES, INC., RPLS 4804" cap for corner in the easterly line of North Mesquite Drive (variable width right-of-way, 60 foot wide at this point), the northwesterly corner of said Haverty Subdivision;

**THENCE** N 09°29'42" W, with said easterly line of North Mesquite Drive, 398.22 feet to a 5/8 inch iron rod with "GSES, INC., RPLS 4804" cap for corner at the beginning of a curve to the left, said curve having a central angle of 11°47'08", a radius of 560.00 feet, a tangent length of 57.80 feet and a chord which bears N 15°23'16" W—114.99 feet;

**THENCE** continuing with said easterly line of North Mesquite Drive and with said curve to the left, an arc distance of 115.19 feet to a 5/8 inch iron rod with "GSES, INC., RPLS 4804" cap for corner, the end of said curve to the left;

**THENCE** N 44°02'18" E, 51.16 feet to a 1/2 inch iron rod found for the southwest corner of said MISD tracts in the northeasterly line of North Mesquite Drive;

**THENCE** N 69°02'18" E, 251.52 feet with the southerly line of said MISD tracts to the **POINT OF BEGINNING** and containing 3.6570 acres (159,301 square feet) of land, more or less.

**PROPERTY DESCRIPTION  
TRACT III**

**BEING** all that certain lot, tract or parcel of land situated in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, being a portion of that certain tract of land conveyed to Town East Dealership Property, L.P. (Town East) according to the warranty deed recorded in Volume 2001142, Page 5699 of the Deed Records of Dallas County (DRDCT), said Town East tract being Lot 5, Block 2 of Triangle East Addition, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 94008, Page 4314 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2" iron rod with plastic cap stamped "NDM" set for corner in the southwesterly line of North Mesquite Drive (variable width right-of-way) from whence a 1/2" iron rod found at the beginning of a non-tangent curve to the right bears S 44°54'10" E--103.00 feet;

**THENCE** S 42°02'38" W, departing said southwesterly line of North Mesquite Drive, 302.38 feet to a 1/2" iron rod with plastic cap stamped "NDM" set for corner;

**THENCE** S 82°35'17" W, 240.00 feet to a 1/2" iron rod with plastic cap stamped "NDM" set for corner in the west line of Lot 5;

**THENCE** N 10°01'21" W, with the west line of said Lot 5, 651.93 feet to the northwest corner of said Lot 5;

**THENCE** N 35°23'39" E, with the northwest line of said Lot 5, 121.30 feet to an "X" cut in concrete set at the north corner of said Lot 5 in the aforementioned southwesterly line of North Mesquite Drive;

**THENCE** S 44°54'10 E, with said southwesterly line of North Mesquite Drive, 685.22 feet to the **POINT OF BEGINNING** and containing 5.0607 acres (220,442 square feet) of land, more or less.

**PROPERTY DESCRIPTION  
TRACT IV**

**BEING** all that certain lot, tract or parcel of land situated in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, being a portion of that certain tract of land conveyed to Town East Dealership Property, L.P. (Town East) according to the warranty deed recorded in Volume 2001142, Page 5699 of the Deed Records of Dallas County, said Town East tract being Lot 5, Block 2 of Triangle East Addition, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 94008, Page 4314 of the Map Records of Dallas County, Texas (MRDCT), and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2" iron rod with plastic cap stamped "VANNOY RPLS 1988" found in the westerly line of North Mesquite Drive (variable width right-of-way) at the southeast corner of the aforementioned Lot 5, said southeast corner also being the northeast corner of Tract 3 of Seeds Subdivision, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 72019, Page 1831, MRDCT;

**THENCE** S 80°33'13" W, departing the westerly line of North Mesquite Drive and with the common line of said Lot 5 and Tract 3, passing at 511.59 feet a 1/2" iron rod with plastic cap stamped "VANNOY RPLS 1988" found at the northwest corner of said Tract 3, and continuing a total distance of 626.30 feet to the southwest corner of said Lot 5;

**THENCE** N 10°01'21" W, with the west line of said Lot 5, 248.70 feet to a 1/2" iron rod with plastic cap stamped "NDM" set for corner;

**THENCE** N 82°35'17" E, departing the west line of said Lot 5, 240.00 feet to 1/2" iron rod with plastic cap stamped "NDM" set for corner;

**THENCE** N 42°02'38" E, 302.38 feet to 1/2" iron rod with plastic cap stamped "NDM" set for corner in the southwesterly line of the aforementioned North Mesquite Drive;

**THENCE** S 44°54'10" E, with said southwesterly line of North Mesquite Drive, 103.00 feet to a 1/2" iron rod found for corner at the beginning of a non-tangent curve to the right, said non-tangent curve having a central angle of 35°26'46", a radius of 500.00 feet, a tangent distance of 159.79 feet and a chord which bears S 27°09'40" E--304.42 feet;

**THENCE**, continuing with said southwesterly line of North Mesquite Drive and with said non-tangent curve to the right, an arc distance of 309.33 feet to a 1/2" iron rod with plastic cap stamped "VANNOY RPLS 1988" found for corner in the westerly line of North Mesquite Drive;

**THENCE** S 09°24'28" E, with said westerly line of North Mesquite Drive, 54.56 feet to the **POINT OF BEGINNING** and containing 4.2202 acres (183,832 square feet) of land, more or less.



