

ORDINANCE NO. 3562
File No. 705-6

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 GENERAL RETAIL TO COMMERCIAL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS 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 on property zoned General Retail to Commercial.

That the subject property is a 2.7-acre tract located at the intersection of Motley Drive and the city limit boundary with the city of Dallas, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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.

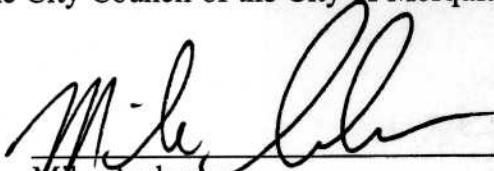
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 (\$2,000.00) Dollars 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.

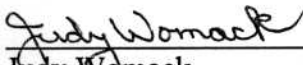
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of March, 2003.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

OWNER'S CERTIFICATE

STATE OF TEXAS }
COUNTY OF DALLAS }

WHEREAS, Southwestern Bell Telephone Company is the owner of a tract of land situated in the City of Mesquite, Dallas County, Texas; and being part of the William Johnston Survey, Abstract 705, and also being part of a tract of land conveyed to Tivoli Realty, Inc. by deed recorded in Volume 237, Page 595, of the Deed Records of Dallas County; and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the northerly line of a 7-1/2 foot alley and the westerly line of Motley Drive, said point also being the northeasterly corner of Casa View heights No. 11, an addition to the City of Dallas as recorded in Volume 22, Page 7, of the Map Records of Dallas County, said point also being the southeasterly corner of said Tivoli Realty tract;

THENCE due West along the northerly line of said Casa View Heights No. 11 addition a distance of 525.08 feet to a point for corner at the southwesterly corner of said Tivoli Realty tract;

THENCE North 0° 07' 40" West along the westerly line of said tract a distance of 237.43 feet to a point for corner;

THENCE due East a distance of 519.89 feet to a point for corner in the westerly line of Motley Drive;

THENCE South 1° 23' East along the westerly line of Motley Drive a distance of 237.50 feet to the place of beginning and containing 124,052 square feet, more or less; or 2.8478 acres.