

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 CONDITIONAL USE PERMIT ON PROPERTY ZONED GENERAL RETAIL THEREBY ALLOWING A CAR WASH; 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, 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 Conditional Use Permit on property zoned General Retail thereby allowing a car wash.

That the subject property is a 0.64-acre tract located approximately 250 feet west of the Bruton Road and Belt Line Road intersection 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite City Code.

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.

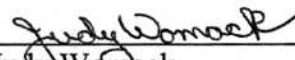
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the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

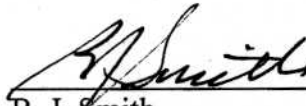
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of July, 2003.


Mike Anderson
Mayor

ATTEST:

APPROVED:


Judy Womack
City Secretary


B. J. Smith
City Attorney

Field Notes
File No. 190-6

WHEREAS, WE, Kwick Klean Corp., a Texas corporation, acting by and through our duly authorized agent, Hassan M. Vasheghani, President, are the sole owners of a tract of land situated in the W.H. Bennett Survey, Abstract No. 93, and the W.H. Bennett Survey, Abstract No. 190, City of Mesquite, Dallas County, Texas, and being the same tract of land conveyed to Kwick Klean Corp., a Texas corporation, by deed recorded in Volume _____, Page _____, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the South right-of-way line of Bruton Road (100 foot right-of-way), said point being at the Northwest corner of Lot 1, Block B of Bruton/Beltline Retail Addition, an Addition to the City of Mesquite, Dallas County, Texas, according to the Plat recorded in Volume 87027, Page 3305, Deed Records, Dallas County, Texas;

THENCE South 12 degrees 48 minutes 43 seconds West, along the West line of said Lot 1, a distance of 165.03 feet to a 1/2 inch iron rod found at the Southwest corner of said Lot 1 and the Northwest corner of Lot 2, Block B, of Bruton/Beltline Retail Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the Plat recorded in Volume 98107, Page 62, Deed Records, Dallas County, Texas;

THENCE South 51 degrees 28 minutes 37 seconds West, along the Northwest line of said Lot 2, Block B of Bruton/Beltline Retail Addition, a distance of 12.80 feet to a 5/8 inch iron rod found with yellow plastic cap stamped (D.C.&A., INC.) for corner;

THENCE North 77 degrees 19 minutes 13 seconds West, a distance of 152.00 feet to a 5/8 inch iron rod found with yellow plastic cap stamped (D.C.&A., INC.) for corner;

THENCE North 12 degrees 48 minutes 43 seconds East, a distance of 175.00 feet to a 5/8 inch iron found with yellow plastic cap stamped (D.C.&A., INC.) in the South right-of-way line of said Bruton Road;

THENCE South 77 degrees 19 minutes 13 seconds East, along the South right-of-way line of said Bruton Road, a distance of 160.00 feet to the POINT OF BEGINNING and containing 27,960.05 square feet or 0.6419 acres of land.