

ORDINANCE NO. 3650

File No. 34-33

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 COMMERCIAL THEREBY ALLOWING MESILLA VALLEY TRANSPORTATION TO CONDUCT BUSINESS FOR MOTOR FREIGHT TRANSPORTATION SUBJECT TO CERTAIN STIPULATIONS; 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 Commercial thereby allowing Mesilla Valley Transportation to conduct business for motor freight transportation subject to the following stipulations:

1. No outdoor storage shall be permitted except the storage of motor freight vehicles.
2. The facility must meet all other standards and conditions set forth in the Mesquite Zoning Ordinance.
3. The applicant shall provide a projection of commercial truck traffic generated by the site with this use prior to obtaining a building permit.
4. The applicant shall work with the Traffic Engineering Division to review existing ingress and egress, implementing any identified improvements.
5. The Conditional Use Permit shall be granted specifically to Mesilla Valley Transportation.

That the subject property is located at 2614 Big Town Boulevard 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 19th day of April, 2004.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

EXHIBIT "A"

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LAWYERS TITLE INSURANCE CORPORATION

EXHIBIT A

TRACT I -

PARCEL A:

Leasehold interest in and to the following described lot created pursuant to that certain Lease Agreement dated October 27, 1982, by and between G.B. Investments, Inc. and Richard Hinnant, as Lessors, and Truckstops Corporation of America, as Lessee, as evidenced by that certain Memorandum of Lease dated October 27, 1981, recorded in Volume 81230, Page 2004, of the Deed Records of DALLAS County, Texas;

Lot 3 of TRUCKOMATIC ADDITION, REVISED, an Addition to the City of Mesquite, DALLAS County, Texas, according to the Map thereof recorded in Volume 79098, Page 835, Map Records, DALLAS County, Texas, BEING the same property described as follows:

BEING all of Lot 3 of Truckmatic Addition, Revised, an addition to said City of Mesquite as shown by plat recorded in Volume 82018, Page 1317, said Map Records, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found maintaining the Southeast corner of said Lot 3;

THENCE North 89 degrees 53 minutes 24 seconds West, a distance of 200.04 feet to a 1/2 inch steel rod set for corner in the East right of way line of Big Town Boulevard;

THENCE North 00 degrees 15 minutes 00 seconds East with said right of way line a distance of 323.01 feet to a 1/2 inch steel rod set at an angle point;

THENCE North 44 degrees 45 minutes 00 seconds West a distance of 132.40 feet to a 1/2 inch steel rod set at the Northwest corner of said Lot 3;

THENCE North 89 degrees 48 minutes 56 seconds East a distance of 290.72 feet to a 1/2 inch steel rod found for corner;

THENCE South 00 degrees 09 minutes 15 seconds East a distance of 418.36 feet to the POINT OF BEGINNING and CONTAINING 87,387 square feet or 2.006 acres of land, more or less.

PARCEL B:

TOGETHER WITH easement interest appurtenant to Tract I created pursuant to that certain Easement to Truckstops Corporation of America recorded in Volume 81233, Page 1650, Deed Records of DALLAS County, Texas.

TRACT II -

BEING situated in the City of Mesquite, DALLAS County, Texas, and being all of Lots 1 and 4 in Block 1 of TRUCKOMATIC ADDITION, SECOND REVISION, an addition to said City of Mesquite as shown by plat recorded in Volume 82018, Page 1317, Map Records, DALLAS County, Texas and also being a 1.367 acre tract of land described as an access easement recorded in Volume 77222, Page 1641, Deed Records, DALLAS County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod found at the Northeast corner of said Lot 4 and Block 1;

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EXHIBIT "A"

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LAWYERS TITLE INSURANCE CORPORATION

EXHIBIT A (page 2)

THENCE South 00 degrees 15 minutes 00 seconds West with the East line of said Lot 4 and Block 1 a distance of 500.00 feet to a 1/2 inch steel rod set for corner;

THENCE South 89 degrees 52 minutes 00 seconds West a distance of 122.45 feet to a 1/2 inch steel rod set for corner;

THENCE South 00 degrees 15 minutes 00 seconds West a distance of 75.33 feet to a 1/2 inch steel rod set at the Southeast corner of said 1.367 acre tract;

THENCE North 89 degrees 46 minutes 10 seconds East a distance of 5.10 feet to a 1/2 inch steel rod set at the Northeast corner of said Lot 4;

THENCE South 00 degrees 12 minutes 29 seconds West a distance of 423.12 feet to a 1/2 inch steel rod found for corner;

THENCE North 89 degrees 12 minutes 57 seconds West a distance of 249.81 feet to a 1/2 inch steel rod found for corner;

THENCE North 00 degrees 09 minutes 46 seconds West a distance of 419.95 feet to a 1/2 inch steel rod found for corner;

THENCE South 89 degrees 18 minutes 19 seconds West a distance of 184.36 feet to a 1/2 inch steel rod found at an angle point;

THENCE South 89 degrees 48 minutes 56 seconds West a distance of 290.72 feet to a 1/2 inch steel rod set in the East right of way line of Big Town Boulevard;

THENCE North 44 degrees 45 minutes 00 seconds West with said right of way line a distance of 37.30 feet to a 1/2 inch steel rod set at an angle point;

THENCE North 00 degrees 15 minutes 00 seconds East continuing with said right of way line a distance of 550.00 feet to a 1/2 inch steel rod set at the Northwest corner of said Lot 4 and Block 1;

THENCE North 89 degrees 52 minutes 00 seconds East with the North line of said Lot 4 and Block 1 a distance of 871.20 feet to the POINT OF BEGINNING and CONTAINING 597,722 square feet or 13.722 acres of land, more or less.