

ORDINANCE NO. 3652  
File No. 1462-238

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 PLANNED DEVELOPMENT TO LC LIGHT 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 from Planned Development to LC Light Commercial.

That the subject property is located east of the Gross Road and Jane Street 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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.

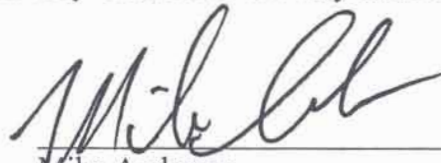
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 17<sup>th</sup> day of May, 2004.



\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

APPROVED:



  
\_\_\_\_\_  
Judy Womack  
City Secretary  
\_\_\_\_\_  
B. J. Smith  
City Attorney

EXHIBIT "A"

OWNER'S CERTIFICATE

STATE OF TEXAS:
COUNTY OF DALLAS:

LEGEND

Table with 2 columns: Description and Abbreviation. Includes items like HYDRANT (FH), FIRE METER (WM), FIRE VALVE (WV), etc.

WHEREAS the CITY OF MESQUITE, TEXAS is the owner of record of 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, said tract being a portion of that certain 34.0469 acre tract of land conveyed to the City of Mesquite, Texas, according to the instrument recorded in Volume 93122, Page 995 of the Deed Records of Dallas County, Texas (DRDCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron rod set (replacing an obliterated 5/8" iron rod) for the most westerly southwest corner of the aforementioned 34.0469 acre tract, said iron rod being at the intersection of the northerly right-of-way line of Gross Road (variable width right-of-way, called 120' right-of-way at this point) and the easterly right-of-way line of Jane Street (variable width right-of-way, called 40' right-of-way at this point);

THENCE N 03°24'24" E, with said easterly right-of-way line of Jane Street, 259.24 feet to a 1" iron rod set for corner from whence a 3/4" iron pipe found at an angle point in said easterly right-of-way line of Jane Street bears N 03°24'24" E ~ 573.26 feet;

THENCE S 71°54'56" E, departing said easterly right-of-way line of Jane Street, 218.53 feet to a 1" iron rod set for corner at the beginning of a non-tangent curve to the left, said non-tangent curve having a central angle of 13°36'28", a radius of 504.88 feet, a tangent length of 60.24 feet and a chord which bears S 24°08'12" E ~ 119.63 feet;

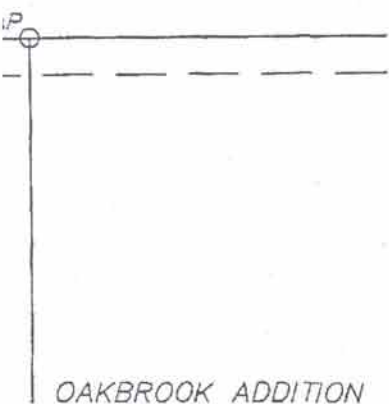
THENCE, with said non-tangent curve to the left, an arc distance of 119.91 feet to a point for corner from whence a found 1/2" iron rod with plastic cap stamped "NDM" bears N 53°43'43" E ~ 0.21 feet, said point being the northwest corner of that certain tract of land conveyed to FC Properties One, Ltd., according to the instrument recorded in Volume 98059, Page 2084, DRDCT;

THENCE S 03°05'04" W, with the westerly line of said FC Properties One, Ltd. tract, 347.00 feet to a point for corner in the aforementioned northerly right-of-way line of Gross Road from whence a found 1/2" iron rod with plastic cap stamped "NDM" bears S 49°12'01" W ~ 0.35 feet, said point being the southwest corner of said FC Properties One, Ltd. tract;

THENCE N 43°44'50" E, with said northerly right-of-way line of Gross Road, 366.44 feet to the POINT OF BEGINNING and containing 2.0739 acres (90,338 square feet) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT the CITY OF MESQUITE, TEXAS does hereby adopt this plat, designating the herein-described property as MESQUITE ANIMAL SHELTER ADDITION, an addition to the City of Mesquite, Texas, and does hereby dedicate to the public use forever the streets and alleys shown thereon. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs or other improvements shall be constructed, reconstructed or placed upon, over or across the easements so shown. Said easements being hereby reserved



OAKBROOK ADDITION

FC PR VOL. ZONE

RIVER STATION ~ 574  
ULTIMATE 100YR. ELEV. ~  
ULTIMATE 25YR. ELEV. ~

$CB = S 24^{\circ}08'12" E$   
 $CL = 119.63'$

FEMA 100YR FLOODPLAIN LINE  
ELEV. ~ 462.5+/-

POINT FOR CORNER  
(1/2" IRF W/NDM CAP BEARS  
(SEE NOTES)  
 $N 49^{\circ}12'01" E \sim 0.21'$

$S 03^{\circ}05'04" W$  347.00'

60' RIGHT-OF-WAY EASEMENT  
ELECTRIC POWER COOPERATIVE, INC.  
VOL. 84115, PG. 2957

MESQUITE ANIMAL SHELTER ADDITION  
BLOCK 1, LOT 1  
2.0136 ACRES (87,713 SQ. FT.)

MIN. F.F. ELEV. ~ 466.80

$N 43^{\circ}44'50" W$  366.44'

352.80'

GROSS ROAD  
(VARIABLE WIDTH)  
(CALLED 110')

218.53'  
71°54'56" E 208.19'

10' RIGHT-OF-WAY DEDICATION  
(PER THIS PLAT)  
0.0603 ACRES (2,626 SQ. FT.)

15' DRAINAGE EASEMENT  
(PER THIS PLAT)  
10" MESQUITE  
5" / 6" HACKBERRY  
4" HACKBERRY

$N 03^{\circ}24'24" E$  259.24'

POINT OF BEGINNING  
N 6975092.4196  
E 2543555.3930

11" IRF REPLACING  
OBLITERATED 5/8" IRF

SITE BMT  
CONC. BASE  
FOR LP (NO LP)

12" CEDAR ELM  
U.G. ELECTRIC PULLBOX

ASPHALT PAVING  
3/8" IRF  
116.30'

REALTOR SIGN

POINT-FA  
(172' 10")

CONC

110'

110'

110'

110'

110'

110'

110'

110'

110'

110'