

ORDINANCE NO. 3696  
File No. 1462-242

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 – MULTIFAMILY 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 from Planned Development – Multifamily to Commercial.

That the subject property is a 27.94-acre tract generally located at the southeast corner of the U. S. Highway 80 East and IH 635 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 15th day of November, 2004.

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

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

Being a 27.94 acre tract situated in the Daniel Tanner Survey Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being that same tract of land as described in deed to Jerry Biesel as recorded in Volume 82245, Page 1482 of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a found 3/4 inch iron rod in the easterly line of the Owen Smith Subdivision, an addition to the City of Mesquite as recorded in Volume 19, Page 111 of said Deed Records, said point being S 0°14'49" W, 355.68 feet from the intersection of the easterly line of said Owen Smith Subdivision with the southerly line of Interstate Highway 20 (U.S. Highway 80);

THENCE S 0°14'49" W, along the easterly line of said Owen Smith Subdivision, 1017.02 feet to a found 3/4 inch iron rod;

THENCE S 44°54'07" W, 891.70 feet to a found 1/2 inch iron rod;

THENCE N 45°11'29" W, 703.25 feet to a found brass cap in concrete, said point being in the easterly line of Interstate Highway 635;

THENCE along the easterly line of said Interstate Highway 635 the following;

N 9°20'51" W, 66.52 feet to a 3/4 inch iron pipe set;

N 0°26'52" W, 89.91 feet to a 3/4 inch iron pipe set;

N 8°46'30" E, 217.39 feet to a found brass cap in concrete;

THENCE N 44°55'36" E, leaving the easterly line of said Interstate Highway 635, 1093.09 feet to a found 2 inch iron pipe;

THENCE N 89°23'21" E, 129.24 feet to a found 3/4 inch iron rod in the westerly line of Santa Maria Drive (60 foot right-of-way);

THENCE N 0°14'49" E, along the westerly line of said Santa Maria Drive, 8.56 feet to a found 3/4 inch iron rod;

THENCE S 89°39'19" E, leaving the westerly line of said Santa Maria Drive, 209.90 feet to the POINT of BEGINNING and CONTAINING 27.94 gross acres of land more or less.