

ORDINANCE NO. 3704
File No. 1462-243

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 A-1 APARTMENTS 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 A-1 Apartments to Commercial.

That the subject property is an 18.4-acre tract generally located at the southeast corner of the US Hwy 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

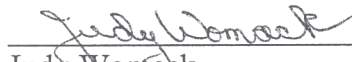
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of January, 2005.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary

B. J. Smith
City Attorney

U.S. HIGHWAY 80

(A VARIABLE WIDTH R.O.W.)

EXHIBIT "A"
Page 1 of 2

ASHIQ A. KANJI
VOLUME 94116, PAGE 3056

SANTA MARIA

S89°35'30"E
466.86'

CITY OF MESQUITE
VOLUME 94170, PAGE 03485

NOTE: THIS NOT A BOUNDARY SURVEY. NO FIELD WORK WAS PERFORMED FOR THIS EXHIBIT AND PROPERTY DESCRIPTION ATTACHED HERETO.

GARY E. CHATHAM
VOLUME 94077, PAGE 01502
TRACT ONE

PARDUE CATTLE COMPANY, LLC
VOLUME 2003 144
PAGE 6624

S45°08'44"E
291.03'

RAYBURN ROAD

LOT 5 & 6 IN THE OWEN SMITH SUBDIVISION IS NOW OR FORMERLY OWNED BY JANET R. BROWNLEE RECORDED IN VOLUME 97062, PAGE 2390

DANIEL TANNER SURVEY, ABSTRACT NO. 1462

FAROQ KHAN
VOLUME 93248, PAGE 190

18.4±
ACRES

ASHIQ A. KANJI
VOLUME 94116, PAGE 3056

S45°02'16"W - 1614.00'

ZONING EXHIBIT 18.4± ACRES

PORTION OF TRACT TO
ASHIQ A. KANJI
VOLUME 94116, PAGE 3056

&
ALL OF LOT 6
OWENS SMITH SUBDIVISION
VOLUME 19, PAGE 11

DANIEL TANNER SURVEY
ABSTRACT NO. 1462
MESQUITE, TEXAS
DALLAS COUNTY, TEXAS

INTERSTATE HIGHWAY 635

(A VARIABLE WIDTH R.O.W.)

ARGUS RESOURCES INC.
VOLUME 99034, PAGE 04486

N07°50'25"E
632.82'

S59°51'09"W
166.37'

NORTHTRIDGE ESTATES
NO. 5
VOLUME 28, PAGE 197

DIANE STREET

64.88'
S51°56'04"W

EXHIBIT PREPARED BY: DANIEL A. SMITH
309 N. GALLOWAY, SUITE 107, MESQUITE, TEXAS 75149
972-216-3334 (OFFICE) 972-216-9922 (FAX)

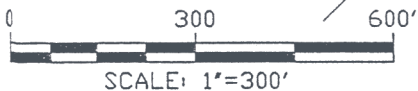
SEE ATTACHED ZONING DESCRIPTION

SHEET 1 OF 2

DATE: 12-09-04 SCALE: 1" = 300' CADD FILE:

C: \MESQUITE\7657.DWG

JOB NO.: 7657



SANTA MARIA
(ABANDON STREET)

P.O.B.

N00°49'23"E
79.95'

N89°31'01"W
150.09'

LOT 4

5

6

7

OWEN SMITH SUBDIVISION

8

9

10

11

12

13

14

15

LOT 16

N00°13'16"E - 1009.12'

S00°53'24"W - 773.03'



MIDWAY STREET

BARBARA STREET

LEE STREET

BLK. 68

BLK. 67

BLK. 64



Zoning Description
18.4 +/- acres
Daniel Tanner Survey, Abstract No. 1462
Mesquite, Dallas County, Texas
(Sheet 2 of 2)

Being a 18.4 +/- acre tract of land in the Daniel Tanner Survey, Abstract No. 1462, Mesquite, Dallas County, Texas, and being a portion of that certain tract of land described in deed to Ashiq A. Kanji recorded in Volume 94116, Page 3056, Deed Records, Dallas County, Texas, and all of Lot 6 of the Owen Smith Subdivision an addition to the City of Mesquite as recorded in Volume 19, Page 111, Map Records, Dallas County, Texas, Lot 6 being a portion of that certain tract of land described in deed to Janet R. Brownlee recorded in Volume 97062, Page 2390, said Deed Records, said 18.4 +/- acres being described as follows:

Beginning at the northwest corner of said Lot 6 and the east line of Santa Maria, a 60 foot right-of-way;

Thence, S 89°35'30" E, passing at 150.00 feet the northeast corner of said Lot 6 and the west line of said Kanji tract, continue a total distance of 466.86 feet through said Kanji tract to its east line;

Thence, S 00°53'24" W, 773.03 feet along said Kanji east line;

Thence, S 45°08'44" E, 291.03 feet to the east southeast corner of said Kanji tract and the north line of Northridge Estates No. 5 an addition to the City of Mesquite as recorded in Volume 28, Page 197, of the aforesaid Map Records;

Thence, S 45°02'16" W, 1614.00 feet along the northwest line of said Northridge Estates and the southeast line of said Kanji tract;

Thence, S 59°51'09" W, 166.37 feet along the northwest line of said Northridge Estates and the southeast line of said Kanji tract;

Thence, S 51°56'04" W, 64.88 feet along the northwest line of said Northridge Estates to the south most west corner of said Kanji tract and the southeast corner of a tract of land described in deed to Argus Resources, Inc. recorded in Volume 99034, Page 04486, said Deed Records;

Thence, N 07°50'25" E, 632.82 feet leaving the northwest line of said Northridge Estates and along the most western line of said Kanji tract to the northeast corner of said Argus tract and the southwest line of a tract of land described in deed to Farooq Khan as recorded in Volume 93248, Page 190, said Deed Records;

Thence, S 45°14'39" E, 147.00 feet along the northerly line of said Kanji tract to the southerly corner of said Khan tract;

Thence, N 44°55'16" E, 891.70 feet along the the northerly line of said Kanji tract and the southeast line of said Khan tract;

Thence, N 00°13'16" E, 1009.12 feet along the west line of said Kanji tract and the east line of said Khan tract passing the southeast corner of the aforesaid Owen Smith Subdivision, continue along the east line of said subdivision to the southeast corner of the aforesaid Lot 6;

Thence, N 89°31'01" W, 150.09 feet to the Point of Beginning and containing 18.4 +/- acres of land, More or less.