

ORDINANCE NO. 3717
File No. 1028-13

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 GENERAL RETAIL; 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 on property zoned Planned Development-Multifamily to General Retail.

That the subject property is located on a 0.91-acre tract being Tract 1, Page 535, Abstract 1028, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

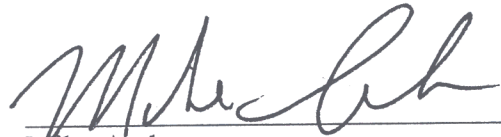
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the 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 21st day of March, 2005.



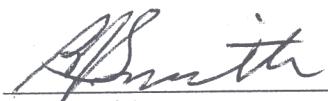
Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

LEGAL DESCRIPTION

BEING a 0.9150 acre tract of land situated in the McKinney & Williams Survey, Abstract No. 1028, City of Mesquite, Dallas County, Texas, said tract being a part of a tract of land described in deed to Mesquite Credit Union, as recorded in Volume 96003, Page 2635, Deed Records Dallas County, Texas (D.R.D.C.T.), said tract being more particularly described as follows:

COMMENCING at a 1/2-inch set iron rod for the southwest corner of Lot 1, Block 1, Galloway/Range Addition, an addition to the City of Mesquite, Texas, as recorded in Volume 97037, Page 5640, Map Records Dallas County, Texas (M.R.D.C.T.), said corner being on the northeasterly right-of-way line of North Galloway Avenue (100 feet wide), said corner being North 45 degrees 00 minutes 00 seconds West, a distance of 150.00 feet from the intersection of said northeasterly right-of-way of North Galloway Avenue and the northerly right-of-way line of Range Drive (60 feet wide);

THENCE North 45 degrees 00 minutes 00 seconds West, along said northeasterly right-of-way line, a distance of 338.00 feet to a 1/2-inch set iron rod for the POINT OF BEGINNING, said point being the northwest corner of said Lot 1, Block 1, Galloway/Range Addition;

THENCE North 45 degrees 00 minutes 00 seconds West, continuing along said northeasterly right-of-way line, a distance of 265.72 feet to a 1/2-inch found iron rod with a cap stamped "4645" for the northwest corner of said Mesquite Credit Union tract, said corner being the southwest corner of Lot 1, Block 1, Pine Oaks Retail Addition, an addition to the City of Mesquite, Texas, as recorded in Volume 88098, Page 4476, M.R.D.C.T.;

THENCE North 45 degrees 00 minutes 00 seconds East, departing said northeasterly right-of-way line and along the south line of said Lot 1, Block 1, Pine Oaks Retail Addition, a distance of 150.00 feet to a 1/2-inch found iron rod with a cap stamped "4645" for the southeast corner of said Lot 1, Block 1, Pine Oaks Retail Addition, said corner being on the southwest line of Lot 3, Block 1, Range Drive Addition, an addition to the City of Mesquite, Texas, as recorded in Volume 2004032, Page 1107, M.R.D.C.T.;

THENCE South 45 degrees 00 minutes 00 seconds East, along the southwest line of said Lot 3, Block 1, Range Drive Addition, a distance of 265.72 feet to a 1/2-inch set iron rod for the northeast corner of said Lot 1, Block 1, Galloway/Range Addition;

THENCE South 45 degrees 00 minutes 00 seconds West, along the north line of said Lot 1, Block 1, Galloway/Range Addition, a distance of 150.00 feet to the POINT OF BEGINNING AND CONTAINING 39,858 square feet or 0.9150 acres of land more or less.