

ORDINANCE NO. 3722  
File No. 34-37

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 R-3 SINGLE FAMILY RESIDENTIAL TO 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 on property zoned R-3 Single Family Residential to Light Commercial.

That the subject property is located at 2212 Big Town Boulevard further described as Tract 8, Page 240, Abstract 34, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

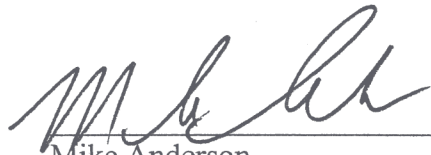
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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



Mike Anderson  
Mayor

ATTEST:

APPROVED:

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

PROPERTY DESCRIPTION

Being a tract of land situated in the W.O. Abbott Survey, Abstract No. 34, Dallas County, Texas, and being in the City of Mesquite, and being the same tract of land conveyed to Lonnie M. York and wife, Carry Lee York, by Deeds recorded in Volume 782, Page 337, and Volume 69151, Page 746, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the Southwest corner of said York tract (Volume 69151, Page 746) and lying in the East right of way line of Big Town Boulevard (variable width right of way), said York tracts being surrounded by a tract of land conveyed to Big Town Samuell Development, by Deed recorded in Volume 85013, Page 3134, Deed Records, Dallas County, Texas;

THENCE North 01 degrees 17 minutes 00 seconds East, along the West line of said York tracts and said East right of way line of Big Town Boulevard, a distance of 109.31 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of said York tract (Volume 782, Page 337);

THENCE South 88 degrees 25 minutes 56 seconds East, along the North line of said York tract (Volume 782, Page 337), a distance of 181.71 feet to a 1/2 inch iron rod found for corner, said corner being the Northeast corner of said York tract;

THENCE South 02 degrees 40 minutes 24 seconds West, along the East line of said York tract, a distance of 109.76 feet to a 1/2 inch iron rod found for corner, said corner being the Southeast corner of said York tract (Volume 69151, Page 746);

THENCE North 88 degrees 17 minutes 39 seconds West, along the South line of said York tract (Volume 69151, Page 746), a distance of 179.05 feet to the POINT OF BEGINNING and containing 19,756.53 square feet or 0.4535 acres of land.