

ORDINANCE NO. 3852
File No. 1397-26

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 RESIDENCE TO OFFICE; 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 Office.

That the subject property is a 1.413-acre tract located at the southeast corner of North Galloway and Wilderness Trail, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

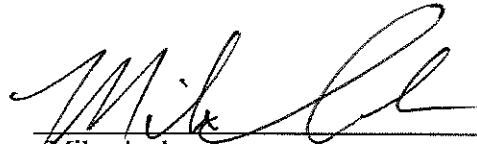
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

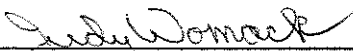
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 16th day of January, 2007.



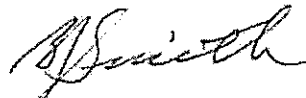
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

Field Notes
File No. 1397-26

BEING a tract of land situated in the Robert Bethurum Survey, Abstract No. 170 and the M. L. Swing Survey, Abstract No. 1397, City of Mesquite, Dallas County, Texas, being part of Block B, GALLOWAY PLACE, an Addition in the City of Mesquite, Texas according to the Plat thereof recorded in Volume 83064, Page 3208, Deed Records, Dallas County, Texas and being part of Tract I and all of Tract II as conveyed to Mimosa Lane Baptist Church, Inc. by Deed recorded in Volume 95013, Page 4032, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set for corner at the intersection of the Easterly ROW line of North Galloway Avenue (a 100' ROW) with the Southerly ROW line of Wilderness Trail (a 50' ROW), said iron rod also being at the Northwest corner of said Tract I;

THENCE: S 89 degrees 39 minutes 18 seconds E, along the South ROW line of Wilderness trail and the North line of said Tract I, a distance of 68.00 feet to a 1/2 inch iron rod set at the beginning of a curve to the left, having a central angle of 41 degrees 40 minutes 45 seconds, a radius of 225.00 feet and a chord bearing N 69 degrees 41 minutes 19 seconds E, a distance of 160.08 feet;

THENCE: along the South ROW line of Wilderness Trail and said curve to the left, an arc distance of 163.67 feet to a 1/2 inch iron rod set for corner in the East line of an 18' alley, said iron rod also being at the North corner of said Tract II;

THENCE: S 13 degrees 43 minutes 50 seconds E, along the West line of said Tract II and the East line of an 18' alley, a distance of 58.22 feet to a 1/2 inch iron rod found for corner in the North line of said Tract I;

THENCE: S 89 degrees 39 degrees 18 minutes E, along the South line of said 18' alley and the North line of said Tract I, a distance of 60.00 feet to a 1/2 inch iron rod set for corner;

THENCE: S 00 degrees 20 minutes 42 seconds W, a distance of 159.87 feet to a 1/2 inch rod set for corner in a Southerly line of said Tract I and a Northerly line of a tract of land conveyed to Mimosa Lane Baptist Church, Inc., in Volume 93111, Page 3857, Deed Records, Dallas County, Texas;

THENCE: along the common line of said Tract I and said Mimosa Lane Baptist Church, Inc. Tract (93311/3857) the following four (4) courses:

- 1) N 88 degrees 41 minutes 25 seconds W, a distance of 3.18 feet to a 1/2 inch iron rod set for corner;
- 2) S 15 degrees 35 minutes 30 seconds E, a distance of 17.16 feet to a 1/2 inch iron rod set for corner;
- 3) N 87 degrees 27 minutes 03 seconds W, a distance of 61.24 feet to a 1/2 inch iron rod set for corner;
- 4) S 11 degrees 54 minutes 05 seconds E, a distance of 58.19 feet to a 1/2 inch iron rod found for corner in the South line of said Tract I, said iron rod also being at the Northeasterly corner of a tract of land conveyed to Vernon J. Peters by deed recorded in volume 4153, Page 74, Deed Records, Dallas County, Texas;

THENCE: S 87 degrees 32 minutes 30 seconds W, along the North line of said Peters tract and the South line of said Tract I, a distance of 184.05 feet to a 1/2 inch iron rod set for corner in the Easterly ROW line of North Galloway Avenue;

THENCE: N 13 degrees 52 minutes 53 seconds W, along the East ROW line of North Galloway Avenue and the West line of said Tract I, a distance of 247.42 feet to the PLACE OF BEGINNING and containing 1.413 acres of land.