

ORDINANCE NO. 3905
File No. 1419-2

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 COMMERCIAL TO PLANNED DEVELOPMENT – INDUSTRIAL SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 Commercial to Planned Development – Industrial subject to the following stipulations:

That the uses within the district shall be limited to those uses permitted-by-right or as a Conditional Use Permit within the following classifications:

1. The Commercial District; and
2. The Industrial District under the following Standard Industrial Classification (“SIC”) codes:
 - a. Manufacturing, SIC 20-39.
 - b. SIC 42, except for SIC 42a Miniwarehousing, Self-Storage.
 - c. Wholesale Trade, SIC 50-51.

That the subject property is a 2.525-acre tract located southeast of the Samuell Boulevard and Eastover Drive intersection, and is described more fully in the approved field notes in Exhibit “A” attached hereto.

SECTION 2. 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 3. 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 Mesquite City Code.

SECTION 4. 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 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 October, 2007.



David Paschall
Mayor Pro Tem

ATTEST:

APPROVED:



Judy Womack
City Secretary



B.J. Smith
City Attorney

EXHIBIT "A"

BEING two (2) tracts of land situated in the James N. Smith Survey, Abstract No. 1419, and the Henry J. Webb Survey, Abstract No. 1636, Dallas County, Texas and being part of the Buckner Baptist Benevolences property and being more particularly described as follows:

Tract A:

BEGINNING at an iron rod in the West R.O.W. line of Big Town Blvd. (a 100 ft. R.O.W.); said point being South 1°06'13" West a distance of 433.63 ft. from the South R.O.W. line of Samuel Blvd. (a 100 ft. R.O.W.); said point also being the southeast corner of a 1.8003 acre tract of land;

THENCE South 1°06'13" West along the West R.O.W. line of Big Town Blvd. a distance of 550.00 ft. to an iron rod set for a corner;

THENCE North 89°29'18" West a distance of 1390.74 ft. to an iron rod set for a corner;

THENCE North 0°56'48" West along Dallas-Mesquite City limit line a distance of 550.14 ft. to an iron rod set for a corner;

THENCE South 89°29'18" East a distance of 1410.42 feet. to the POINT OF BEGINNING and containing 770,276 sq. or 17.6831 acres of land.

Tract B:

COMMENCING at the intersection of the South R.O.W. line of Samuel Blvd. (a 100 ft. R.O.W.) with the West R.O.W. line of Big Town Blvd. (a 100 ft. R.O.W.); thence North 89°29'18" West along the South R.O.W. line of Samuel Blvd. a distance of 1211.51 ft. to the POINT OF BEGINNING:

THENCE South 0°07'28" East a distance of 158.70 ft. to an iron rod set for a corner;

THENCE South 89°29'18" East a distance of 412.27 ft. to an iron rod set for a corner;

THENCE South 0°56'48" East a distance of 275.00 ft. to an iron rod set for a corner;

THENCE North 89°29'18" West a distance of 824.42 ft. to an iron rod set for a corner;

THENCE North 0°56'48" West a distance of 433.75 feet to an iron rod set for a corner on the South R.O.W. line of Samuel Blvd.;

THENCE South 89°29'18" East along the South R.O.W. line of Samuel Blvd. a distance of 414.43 ft. to the POINT OF BEGINNING and containing 292,235 sq. ft. or 6.7088 acres of land.

LESS AND EXCEPT 0.6311 acres, more or less, being the same tract described in that Partial Release of Lien dated May 3, 1985, from Buckner Baptist Benevolences, recorded at Volume 83092, Page 0614 of the Real Property Records of Dallas County, Texas, and being more particularly described as follows:

BEING a tract or parcel of land situated in the City of Mesquite and being part of the Henry J. Webb Survey, Abstract No. 1636 and being Lot 9, Block A of the Commerce East Business Park, an addition to the City of Mesquite as recorded in Volume 85069, Page 2545 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod for corner at the intersection of the easterly right-of-way line of Commerce Drive (60 feet wide) and the southerly right-of-way line of Samuel Boulevard (120 feet wide);

THENCE South 89°29'18" East along the southerly right-of-way line of said Samuel Boulevard a distance of 174.35 feet to an iron rod for corner, said rod being the most northwest corner of a tract of land conveyed to Mrs. R. A.

Nehrmeyer as recorded in Volume 81067, Page 1737 of the Deed Records of Dallas County, Texas;

THENCE South $00^{\circ}07'28''$ East along the westerly line of said Nehrmeyer tract, a distance of 158.70 feet to an iron rod for corner in the northerly line of Lot 8, Block A of said Commerce East Business Park Addition;

THENCE North $89^{\circ}29'18''$ West along the northerly line of said Lot 8, Block A a distance of 172.07 feet to an iron rod for corner in the easterly right-of-way line of said Commerce Drive;

THENCE North $00^{\circ}56'48''$ West along the easterly right-of-way line of said Commerce Drive a distance of 158.75 feet to the POINT OF BEGINNING and containing 27,489 square feet or 0.6311 acres.

LESS AND EXCEPT 0.9841 acres, more or less, being the same tract described in that Partial Release of Lien dated March 11, 1986, from Buckner Baptist Benevolences, recorded at Volume 86051, Page 2782 of the Real Property Records of Dallas County, Texas, and being more particularly described as follows:

BEING a tract or parcel of land out of the Henry J. Webb Survey Abstract 1636 and the James N. Smith Survey Abstract 1419 and being Lot 3, Block A of the Commerce East Business Park as recorded in Volume 85069, Page 2545 and refiled in Volume 85182, Page 3279 in the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a $1/2''$ iron rod set for a corner in the northerly right-of-way line of East over Drive (60 feet wide), said rod being North $89^{\circ}29'13''$ West along the northerly line of said Eastover Drive a distance of 350.62 feet from the westerly right-of-way line of Big Town Boulevard (100 feet wide), said rod also being the southeast corner of said Lot 3 and the southwest corner of Lot 2, Block A of said Commerce East Business Park;

THENCE North $89^{\circ}29'13''$ West along the northerly line of said Eastover Drive and the southerly line of said Lot 3 a distance of 173.00 feet to a $1/2''$ iron rod set for corner said rod being the southeast corner of Lot 4, Block A of said Commerce East Business Park and the southwest corner of said Lot 3;

THENCE North $0^{\circ}30'47''$ East along westerly line of said Lot 3 and the easterly line of said Lot 4 a distance of 244.97 feet to a $1/2''$ iron rod set for corner, said rod being the northwest corner of said Lot 3, and the northeast corner of said Lot 4;

THENCE South $89^{\circ}29'13''$ East along the northerly line of said Lot 3 a distance of 173.00 feet to a $1/2''$ iron rod set for corner in the northeast corner of said Lot 3, said rod being the northwest corner of said Lot 2;

THENCE South $0^{\circ}30'47''$ West along the easterly line of said Lot 3 and the westerly line of said Lot 2 a distance of 244.97 feet to the POINT OF BEGINNING and containing 42,869 square feet or 0.9841 acres.

LESS AND EXCEPT two (2) tracts of land containing an aggregate of 1.8635 acres, more or less, being the same land described in that Partial Release of Lien dated July 23, 1987, from Buckner Baptist Benevolences, recorded at Volume 87148, Page 1466 of the Real Property Records of Dallas County, Texas, and being more particularly described as follows:

Tract 1:

Being a tract of land situated in the City of Mesquite, Dallas County, Texas situated in the Henry J. Webb Survey, Abstract No. 1636 and also being all of Lot 8, Block B, Commerce East Business Park, an addition to the City of Mesquite as recorded in Volume 85069, Page 2545 and corrected in Volume 85182, Page 3279, of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod capped for corner at the intersection of the southerly line of Samuell Boulevard (120 feet wide) and the westerly line of Eastover Drive (60 feet wide);

THENCE South $0^{\circ}56'48''$ East along the westerly line of Eastover Drive a distance of 220.00 feet to an iron rod capped for corner;

THENCE North $89^{\circ}29'18''$ West along the southerly line of said Lot 8, Block B and the northerly line of Lot 3, Block J/6213, Commerce East Business Park an addition to the City of Dallas as recorded in Volume 85241, Page 1913 of the Map Records of Dallas County, Texas a distance of 180.06 feet to an iron rod for corner;

THENCE North $0^{\circ}56'48''$ West a distance of 220.00 feet to an iron rod capped for corner in the southerly line of Samuell Boulevard;

THENCE South $89^{\circ}29'18''$ East along the southerly line of Samuell Boulevard a distance of 180.06 feet to the POINT OF BEGINNING and containing 39,600 square feet, more or less, or 0.9091 acres.

Tract II:

Being a tract of land situated in the City of Dallas, Dallas County, Texas situated in the Henry J. Webb Survey, Abstract No. 1636 and also being all of Lot 3, Block J/6213, Commerce East Business Park, an addition to the City of Dallas as recorded in the Volume 85241, Page 1913 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod capped for corner in the westerly line of Eastover Drive (60 feet wide); said rod being South $0^{\circ}56'48''$ East along said westerly line of Eastover Drive a distance of 220.00 feet from its intersection with the southerly line of Samuell Boulevard (120 feet wide);

THENCE in a southeasterly direction along the westerly line of Eastover Drive and along a curve to the left whose tangent bears South $0^{\circ}56'48''$ East and having a radius of 200.00 feet, a central angle of $25^{\circ}48'14''$, and an arc length of 90.07 feet to an iron rod capped for corner;

THENCE South $0^{\circ}56'48''$ East along the easterly line of said Lot 3, Block J/6213 and along the westerly line of Lot 6, Block B, Commerce East Business Park, an addition to the City of Mesquite as recorded in Volume 85069, Page 2545 and corrected in Volume 85182, Page 3279 of the Map Records of Dallas County, Texas a distance of 127.20 feet to an iron rod capped for corner;

THENCE North $89^{\circ}29'18''$ West along the southerly line of said Lot 3, Block J/6213 a distance of 200.01 feet to an iron rod capped for corner;

THENCE North $0^{\circ}56'48''$ West a distance of 213.75 feet to an iron rod capped for corner;

THENCE South $89^{\circ}29'18''$ East along the northerly line of said Lot 3, Block J/6213 and the southerly line of Lot 8, Block B a distance of 180.06 feet to the POINT OF BEGINNING and containing 41,574 square feet, more or less, or 0.9544 acres.