

ORDINANCE NO. 3968
File No. 1462-262

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 OFFICE TO GENERAL RETAIL THEREBY ALLOWING RETAIL AND OFFICE USES; 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 Office to General Retail.

That the subject property is a 2.362-acre tract located at 2620 Gus Thomasson Road, and is described more fully 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

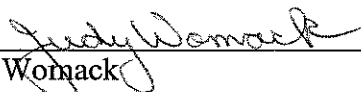
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of July, 2008.



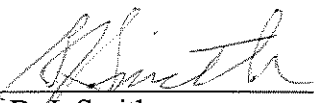
John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B.J. Smith
City Attorney

EXHIBIT "A"

File No. 1462-262

BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1462, situated in the City of Mesquite, Dallas County, Texas, and also being a part of a 74.15 acre tract of land conveyed to E. K. Franklin by Deed recorded in Volume 3860, Page 325 of the Deed Records of Dallas County, Texas, and also being a part of a 1.409 acre tract conveyed to E. K. Franklin by Henry S. Miller, Jr., Trustee, by deed dated March 26, 1973, and being more particularly described as follows:

BEGINNING at the Northwest corner of said 1.409 acre tract, said point being the intersection of the centerline of a proposed 100.0 foot wide drainage easement with the East right-of-way line of proposed Gross Road (100.0 feet wide);

THENCE North $79^{\circ}26'31''$ East along said centerline of said proposed drainage easement, 217.9 feet;

THENCE South $4^{\circ}56'20''$ West, 525.73 feet;

THENCE North $85^{\circ}03'40''$ West, 200.0 feet to a point on the East right-of-way line of proposed Gross Road (120.0 feet wide);

THENCE North $4^{\circ}56'20''$ East along said East right-of-way line of proposed Gross Road, 144.20 feet to an offset;

THENCE South $44^{\circ}57'$ West along said offset, 15.52 feet to a point on the East right-of-way line of proposed Gross Road (100.0 feet wide);

THENCE North $4^{\circ}56'20''$ East along said East right-of-way line of proposed Gross Road, 335.20 feet to the PLACE OF BEGINNING, and containing 2.362 acres of land, of which 0.250 acres lie within the above mentioned proposed 100.0 foot wide drainage easement.