

ORDINANCE NO. 4843
File No. Z0121-0175

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL TO AGRICULTURAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 15675 WISER ROAD TO ALLOW A WATER PUMP STATION AS A COMMUNITY/REGIONAL FACILITY AND OTHER GOVERNMENTAL FACILITIES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the Property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The subject property is approximately 10 acres west of Wisner Road and north of IH-20, located at 15675 Wisner Road, and is more fully described in the legal description attached hereto as Exhibit A (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Agricultural to Agricultural with a Conditional Use Permit to allow a water pump station as a community/regional facility and other governmental facilities.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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. Any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the

maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

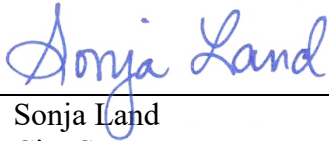
SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of February 2021.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

Exhibit "A" – Legal Description

OWNER'S CERTIFICATION:

WHEREAS, the CITY OF MESQUITE is the owner of a 10.978 acre tract of land as recorded in Instrument No. 2020-0029515 of the Official Public Records of Kaufman County, Texas, said 10.978 acre tract of land being situated in the James S. Ramsey Survey, Abstract No. 414, Kaufman County, Texas and in the Thomas W. Ritter Survey, Abstract No. 434, Kaufman County, Texas, said 10.978 acre tract of land being more particularly described by metes and bounds as follows;

COMMENCING at a 5/8 inch iron rod found (controlling monument) for the southwest corner of said 30.89 acre tract of land, said 5/8 inch iron rod being in the north right-of-way line of Interstate Highway 20 (a variable width right-of-way), said 5/8 inch iron rod found being the northwest corner of a 23.7440 acre tract of land (by deed) conveyed to the State of Texas as recorded in Volume 906, Page 750 of the Deed Records of Kaufman County, Texas, said 5/8 inch iron rod found being the northeast corner of a 10.7358 acre tract of land (by deed) conveyed to the State of Texas as recorded in Volume 779, Page 415 of said Deed Records of Kaufman County, Texas, said 5/8 inch iron rod also being the southeast corner of a 55.89 acre tract of land (by deed) called TRACT II "KAUFMAN 2700" Parcel A conveyed to Barrel Ranch, LLC as recorded in Volume 4324, Page 203 of said Official Public Records of Kaufman County, Texas, from which a TxDOT Type I concrete monument found (controlling monument) bears North 86 degrees 33 minutes 14 seconds East, a distance of 812.04 feet; THENCE North 44 degrees 32 minutes 59 seconds East, with the west line of said 30.89 acre tract of land and with the east line of said 55.89 acre tract of land, a distance of 1,018.70 to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for the **POINT OF BEGINNING** of said 10.978 tract of land;

THENCE North 44 degrees 32 minutes 59 seconds East, with the west line of said 30.89 acre tract of land and with the east line of said 55.89 acre tract of land, a distance of 745.00 feet to a survey nail with washer stamped "GORRONDONA & ASSOCIATES" found for the north corner of said 10.978 acre tract of land, said survey nail with washer stamped "GORRONDONA & ASSOCIATES" being the north corner of said 30.89 acre tract of land, said survey nail with washer stamped "GORRONDONA & ASSOCIATES" being in the southwest line of a 8.923 acre tract of land (by deed) conveyed to Donald A. McDonald and Teresa J. McDonald as recorded in Volume 2892, Page 129 of said Official Public Records of Kaufman County, Texas, said survey nail with washer stamped "GORRONDONA & ASSOCIATES" also being in the center line of C.R. No. 200/Wiser Road (an undedicated right-of-way);

THENCE South 45 degrees 50 minutes 36 seconds East, with the northeast line of said 10.978 acre tract of land, es 50 minutes 36 seconds East, with the northeast line of said 10.978 acre tract of land, with the northeast line of said 30.89 acre tract of land, with the southwest line of said 8.923 acre tract of land and with said C.R. No. 200/Wiser Rd., a distance of 640.02 feet to a survey nail with washer stamped "GORRONDONA & ASSOCIATES" set for the east corner of said 10.978 acre tract of land, said survey nail with washer stamped "GORRONDONA & ASSOCIATES" being in the southwest line of a 3.0 acre tract of land (by deed) conveyed to Daniel Robert Brummett as recorded in Volume 4556, Page 27 of said Official Public Records of Kaufman County, Texas, from which a 1/2 inch iron rod found (controlling monument) for the southeast corner of said 30.89 acre tract of land bears South 45 degrees 50 minutes 36 seconds East, a distance of 324.00 feet, THENCE North 89 degrees 12 minutes 39 seconds East, a distance of 59.75 feet, THENCE South 16 degrees 24 minutes 38 seconds East, passing at a distance of 12.62 feet a 3/8 inch iron rod found for reference, in all a distance of 517.95 feet, said 1/2 inch iron rod being the southwest corner of a 7.1 acre tract of land (by deed) conveyed to Ned D. Bryant and wife, Linda M. Bryant as recorded in Volume 626, Page 359 of the Deed Records of Kaufman County, Texas, said 1/2 inch iron rod being in the north right-of-way line of said Interstate Highway 20;

THENCE South 44 degrees 32 minutes 59 seconds West, with the southeast line of said 10.978 acre tract of land, a distance of 749.36 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA & ASSOCIATES" set for the south corner of said 10.978 acre tract of land;

THENCE North 45 degrees 27 minutes 12 seconds West, with the southwest line of said 10.978 acre tract of land, a distance of 640.00 feet to the **POINT OF BEGINNING** and containing 478,195 square feet or 10.978 acres of land, more or less.