

ORDINANCE NO. 164

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955 BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY WHICH PRESENTLY IS ZONED RESIDENTIAL, TO WIT: BEING PART OF THE DANIEL S. CARVER SURVEY, ABSTRACT NO. 342, BEGINNING AT A POINT IN THE SOUTH LINE OF STATE HIGHWAY 352 (OLD STATE HIGHWAY NO. 15-A), SAID POINT BEING THE NORTHWEST CORNER OF A 5-ACRE TRACT OF LAND CONVEYED TO JULIA RICHARDS BY A. W. LINDSEY ET UX, BY DEED DATED JULY 14, 1932, AN IRON PIPE FOR CORNER, SAID BEGINNING POINT ALSO BEING NORTH 86° 22 MINUTES WEST A DISTANCE OF 976.2 FEET AND NORTH 395.5 FEET FROM THE INTERSECTION OF THE NORTH LINE OF WEST DAVIS AND WEST LINE OF D. S. CARVER SURVEY, ABSTRACT 342; THENCE SOUTH 0 DEGREES 29 MINUTES WEST WITH THE WEST LINE OF SAID RICHARDS TRACT, 445.5 FEET TO POINT LYING IN THE NORTH RIGHT OF WAY LINE OF THE ABANDONED DALLAS-TERRELL INTERURBAN LINE, AN IRON PIPE FOR CORNER; THENCE NORTH 86 DEGREES 22 MINUTES WEST WITH THE NORTH LINE OF SAID RIGHT OF WAY 188.7 FEET, AN IRON PIPE FOR CORNER; THENCE NORTH 0 DEGREES 29 MINUTES EAST 479.8 FEET TO A POINT LYING IN THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 352 (OLD HIGHWAY NO. 15A), AN IRON PIPE FOR CORNER; THENCE WITH THE SOUTH LINE OF HIGHWAY, SOUTH 75 DEGREES, 38 MINUTES EAST 107.3 FEET SOUTH 76 DEGREES 56 MINUTES EAST, 86.3 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.0 ACRES OF LAND, TO BE USED UNDER A SPECIAL PERMIT FOR THE CONSTRUCTION AND OPERATION OF A FUNERAL HOME AND FACILITIES ON THE HEREIN DESCRIBED PROPERTY, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE PLANS AND SPECIFICATIONS SUBMITTED THEREFOR AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the City 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 the State Law with reference to the granting of special permits under the Zoning Ordinance regulations and Zoning Map have given the requisite notices by publications and otherwise and after holding due hearing and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof, the Governing Body of the City of Mesquite is of the opinion that said Special Permit should be granted, subject to the conditions set out herein.

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

SECTION 1. That Ordinance No. 120 enacted by the City Council on May 3, 1955 be and is hereby amended insofar as the property hereinafter described is concerned, which is presently zoned Residential, shall be used under a Special Permit for the construction and operation of a Funeral Home and facilities.

Being part of the Daniel S. Carver Survey, Abstract No. 342, beginning at a point in the South line of State Highway 352 (old State Highway No. 15-A), said point being the Northwest corner of a 5-acre tract of land conveyed to Julia Richards by A. W. Lindsey Et Ux, by deed dated July 14, 1932, an iron pipe for corner, said beginning point also being North 86° 22 minutes West a distance of 976.2 feet and North 395.5 feet from the intersection of the North line of West Davis and West line of D. S. Carver Survey, Abstract 342; Thence South 0 degrees 29 minutes West with the West line of said Richards tract, 445.5 feet to point lying in the North right of way line of the abandoned Dallas-Terrell Interurban Line, an iron pipe for corner; Thence North 86 degrees 22 minutes West with the North line of said right of way 188.7 feet, an iron pipe for corner; Thence North 0 degrees 29 minutes East 479.8

feet to a point lying in the South right of way line of State Highway No. 352 (old Highway No. 15A), an iron pipe for corner; Thence with the South line of highway, South 75 degrees, 38 minutes East 107.3 feet South 76 degrees 56 minutes East, 86.3 feet to the place of beginning and containing 2.0 acres of land.

SECTION 2. That this Special Permit for the construction and operation of a Funeral Home and facilities in the hereinabove described property is approved and granted upon the following express conditions and in accordance with Section 4 of the Zoning Ordinance.

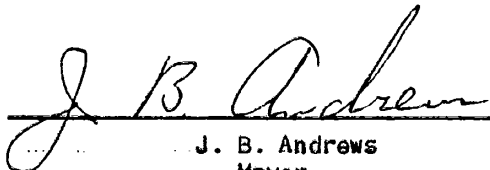
(1) That the site plan for the proposed Funeral Home and facilities shall be approved by the City Planning and Zoning Commission and that development shall be generally in conformance therewith. Such approved site plan may be revised or amended if such revision or amendment thereof is first approved by the City Planning and Zoning Commission.

(2) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted.

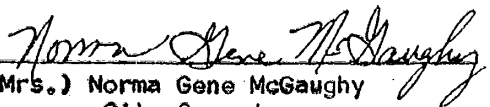
SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit for the construction and operation of a Funeral Home and facilities, subject to certain conditions and will serve the public interest, comfort and general welfare and requires that this Ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND APPROVED this 4th day of September, 1956.

  
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J. B. Andrews  
Mayor

ATTEST:

  
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(Mrs.) Norma Gene McGaughy  
City Secretary