

ORDINANCE NO. 194

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955 BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY WHICH IS PRESENTLY ZONED RESIDENTIAL, TO WIT: BEING A PART OF THE W. A. COLE SURVEY, ABSTRACT #261, DALLAS COUNTY, TEXAS, AND BEING A 1.873 ACRE TRACT OUT OF THE NORTHEAST CORNER OF A CERTAIN 14.0 ACRE TRACT CONVEYED TO O. L. NELMS BY ROBERT S. ROY, SR. BY DEED DATED JUNE 9, 1953 AND FILED JUNE 12, 1953 AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF A CERTAIN 2.0 ACRE TRACT CONVEYED TO R. S. AND S. E. BERRY OUT OF SAID 14.0 ACRE TRACT AND FILED JUNE 6, 1956 AND IN SAID DEED RECORDS, SAID POINT BEING IN THE EAST LINE OF A TEXAS HIGHWAY DEPARTMENT CERTAIN 10 ACRE TRACT IN SAID SURVEY, AND SAID POINT ALSO BEING NORTH 0 DEGREES 14 MINUTES EAST 583.58 FEET OF THE SOUTHWEST CORNER OF SAID 14.0 ACRE TRACT; THENCE NORTH 0 DEGREES 14 MINUTES EAST AND WITH THE DIVIDING LINE BETWEEN SAID TEXAS HIGHWAY DEPARTMENT 10 ACRE TRACT AND SAID O. L. NELMS 14.0 ACRE TRACT, A DISTANCE OF 338.32 FEET TO A BRASS PLUG IN CONCRETE MARKER, THE NORTHEAST CORNER OF SAID HIGHWAY DEPARTMENT 10 ACRE TRACT, AND THE NORTHWEST CORNER OF SAID 14 ACRE TRACT; THENCE NORTH 61 DEGREES 04 MINUTES EAST, AND WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF U. S. HIGHWAY NO. 67, AND THE NORTHWEST LINE OF SAID 14 ACRE TRACT A DISTANCE OF 235.30 FEET TO A CONCRETE RIGHT-OF-WAY MARKER FOR CORNER, AT AN ANGLE IN SAID U. S. HIGHWAY #67 RIGHT-OF-WAY LINE; THENCE SOUTH 0 DEGREES 14 MINUTES WEST, AND PARALLEL TO THE SAID DIVIDING LINE BETWEEN SAID TEXAS HIGHWAY DEPARTMENT 10 ACRE TRACT AND SAID 14 ACRE TRACT, A DISTANCE OF 456.04 FEET TO A PIPE FOR CORNER IN THE NORTH LINE OF SAID R. S. AND S. E. BERRY 2.0 ACRE TRACT AND SAID POINT BEING NORTH 88 DEGREES 56 MINUTES WEST, 391.71 FEET FROM THE NORTHEAST CORNER OF SAID BERRY BROS. 2.0 ACRE TRACT IN THE WEST LINE OF SHILOH ROAD; THENCE NORTH 88 DEGREES 56 MINUTES WEST, AND WITH THE SAID NORTH LINE OF BERRY BROS. 2.0 ACRE TRACT, 205.49 FEET TO A PIPE TO THE PLACE OF BEGINNING AND CONTAINING 1.873 ACRES OF LAND, TO BE USED FOR THE CONSTRUCTION AND OPERATION OF AN OFFICE BUILDING AND STORAGE OF CONTRACTOR'S EQUIPMENT UNDER A SPECIAL PERMIT, 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 PENALTY; AND DECLARING AN EMERGENCY.

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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 Permit 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 hereinafter described property is concerned, which is presently zoned Residential, shall be used under a Special Permit for the construction and operation of an office building and storage of contractor's equipment, subject to the special conditions contained herein:

Being a part of the W. A. Cole Survey, Abstract #261, Dallas County, Texas, and being a 1.873 acre tract out of the North-east corner of a certain 14.0 acre tract conveyed to, O. L. Nelms by Robert S. Roy, Sr. by deed dated June 9, 1953 and filed June 12, 1953 and described as follows: Beginning at the Northwest corner of a certain 2.0 acre tract conveyed to R. S. and S. E. Berry out of said 14.0 acre tract and filed June 6, 1956 and in said Deed Records, said point being in the East line of a Texas Highway Department certain 10 acre tract in said survey, and said point also being North 0 Degrees 14 minutes East 583.58 feet of the Southwest corner of said 14.0 acre tract; thence North 0 degrees 14 minutes East and with the dividing line between said Texas Highway Department 10 acre tract and said O. L. Nelms 14.0 acre tract, a distance of 338.32 feet to a brass plug in concrete marker, the Northeast corner of said Highway Department 10 acre tract, and the Northwest corner of said 14 acre tract; THENCE North 61 degrees 04 minutes East, and with the Southeast right-of-way line of U. S. Highway No. 67, and the Northwest line of said 14 acre tract a distance of 235.30 feet to a concrete right-of-way marker for corner, at an angle in said U. S. Highway #67 right-of-way line; THENCE South 0 Degrees 14 minutes West, and parallel to the said dividing line between said Texas Highway Department 10 acre tract and said 14 acre tract, a distance of 456.04 feet to a pipe for corner in the North line of said R. S. and S. E. Berry 2.0 acre tract and said point being North 88 degrees 56 minutes West, 391.71 feet from the Northeast corner of said Berry Bros. 2.0 acre tract in the West line of Shiloh Road; THENCE North 88 degrees 56 minutes West, and with the said North line of Berry Bros. 2.0 acre tract, 205.49 feet to a pipe

to the place of beginning and containing 1.873 acres of land.

SECTION 2. That this Special Permit for the construction and operation of an office building and storage of contractor's equipment on 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 construction and operation of an office building and storage of contractor's equipment shall be approved by the City Planning and Zoning Commission and 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 all on-site improvements shall be specified on approved site plan.
- (3) That all adjacent uses of property shall be indicated on approved site plan.
- (4) That all means of ingress and egress shall be as indicated on the approved site plan.
- (5) That all streets, service drives, parking areas and alleys shall be paved and drainage structures and curbs and gutters installed in accordance with the City of Mesquite requirements and as indicated on the approved site plan; and that the developer shall bear the total cost of all such improvements.
- (6) That off-street parking facilities shall be provided as indicated on the approved site plan, and shall not be less than the requirement of Ordinance No. 120 for each use and occupancy.
- (7) That the width of all streets and rights-of-way shall be in conformance with the City of Mesquite thoroughfare and street plan and shall be indicated on the approved site plan, dedicated and improved to the minimum requirements of the City.
- (8) That all utility services shall be shown on site plan and shall conform to the City's specifications and be as approved by the City's Engineer.
- (9) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type, except that in the event a gasoline filling station is approved for location on the property, a standard pole sign not exceeding thirty-six (36) square feet shall be permitted for the filling station. That the location of any sign other than as stated above shall be first approved by the City Planning and Zoning Commission.

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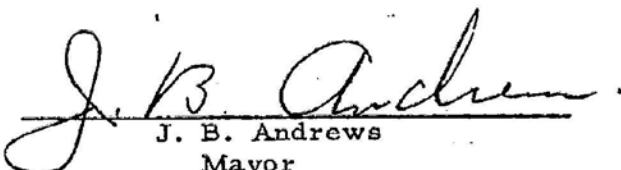
(10) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

(11) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

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.

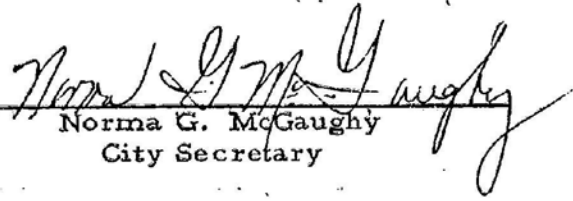
SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit for the construction and operation of an office building and storage of contractor's equipment, subject to certain conditions and will serve the public interest, comfort and general welfare 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 February, 1958.



J. B. Andrews
Mayor

ATTEST:



Norma G. McGaughy
City Secretary