

ORDINANCE NO. 220

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 JOHN T. NELMS SURVEY, ABSTRACT NO. 1095 AND THE Z. MOTLEY SURVEY, ABSTRACT NO. 1007. BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEAST LINE OF LAWRENCE ROAD AND THE NORTHEAST LINE OF GUS THOMASSON ROAD; THENCE SOUTH 45 DEG. 0 MIN. EAST ALONG SAID LINE OF GUS THOMASSON ROAD, A DISTANCE OF 2314.08 FEET TO A POINT FOR CORNER. SAID POINT IS LOCATED 620 FEET NORTHEAST OF THE MOST SOUTHERLY CORNER OF A 32.61 ACRE TRACT OF LAND OWNED BY E. K. FRANKLIN BEING THE SAME LAND AS DESCRIBED IN THE PARTITION SUIT OF MRS. ELLA H. GALLOWAY ET AL VS. BEDFORD GALLOWAY AND J. B. GALLOWAY NO. 3131D RECORDED IN DISTRICT CLERK'S RECORDS AND BEING OUT OF A 229.66 ACRE TRACT; THENCE NORTH 44 DEG. 45 MIN. EAST ALONG A LINE WHICH IS 620 FEET EQUAL DISTANT FROM AND PARALLEL TO THE SOUTHEAST LINE OF THE FRANKLIN TRACT A DISTANCE OF 1060 FEET MORE OR LESS TO A POINT FOR CORNER IN THE MOST NORTHERLY LINE OF THE ABOVE REFERRED TO 32.61 ACRE TRACT OF LAND; THENCE NORTH 39 DEG. 50 MIN. EAST ALONG THE NORTH LINE OF SAID TRACT A DISTANCE OF APPROXIMATELY 130 FEET MORE OR LESS TO A POINT FOR CORNER. SAID POINT BEING LOCATED 722.76 FEET WEST OF THE MOST EASTERLY CORNER OF ABOVE REFERRED TO 32.61 ACRE TRACT OF LAND THENCE NORTH 0 DEG. 46 MIN. WEST A DISTANCE OF 1784 FEET TO A POINT FOR CORNER IN A LINE LOCATED 200 FEET SOUTH OF THE SOUTH LINE OF MURPHEY SCHOOL-NEW HOPE ROAD; THENCE IN A WESTERLY DIRECTION ALONG A LINE 200 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF MURPHEY SCHOOL-NEW HOPE ROAD, A DISTANCE OF 1571.3 FEET TO A POINT FOR CORNER; THENCE IN A NORTHERLY DIRECTION A DISTANCE OF 200 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF MURPHEY SCHOOL-NEW HOPE ROAD; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF MURPHEY SCHOOL-NEW HOPE ROAD TO THE POINT OF INTERSECTION WITH THE SOUTHEAST LINE OF LAWRENCE ROAD; THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID LINE OF LAWRENCE ROAD TO THE PLACE OF BEGINNING AND CONTAINING APPROXIMATELY 95.8 ACRES OF LAND, SAVE AND EXCEPT THE APPROXIMATELY SEVENTEEN ACRES TO BE RESERVED AND DEDICATED FOR HIGHWAY PURPOSES; TO BE USED UNDER A SPECIAL PERMIT TO ALLOW A PERPETUAL CARE CEMETERY, MAUSOLEUM AND CREMATORY, AS DESIGNATED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION, 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 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 hereinafter described property is concerned, which is presently zoned Residential, shall be used under a Special Permit to allow a perpetual care cemetery, mausoleum and crematory as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Being a part of the John T. Nelms Survey, Abstract No. 1095 and the Z. Motley Survey, Abstract No. 1007. Beginning at the point of intersection of the Southeast line of Lawrence Road and the Northeast line of Gus Thomasson Road; Thence South 45 deg. 0 min. East along said line of Gus Thomasson Road, a distance of 2314.08 feet to a point for corner. Said point is located 620 feet Northeast of the most Southerly corner of a 32.61 acre tract of land owned by E. K. Franklin, being the same land as described in the Partition Suit of Mrs. Ella H. Galloway, et al vs. Bedford Galloway and J. B. Galloway No. 3131D recorded in District Clerk's records and being out of a 229.66 acre tract; Thence North 44 deg. 45 min. East along a line which is 620 feet equal distant from and parallel to the Southeast line of the Franklin tract a distance of 1060 feet, more or less, to a point for corner in the most Northerly line of the above referred to 32.61 acre tract of land; Thence North 89 deg. 50 min. East along the North line of said tract a distance of approximately 130 feet, more or less, to a point for corner. Said point being located 722.76 feet West of the most Easterly corner of above referred to 32.61 acre tract of land; Thence North 0 deg. 46 min. West a distance of 1784 feet to a point for corner in a line located 200 feet South of the South line of Murphey School-New Hope Road; Thence in a Westerly direction along a line 200 feet South of and parallel to the South line of Murphey School-New Hope Road, a distance of 1571.3 feet to a point for corner; Thence in a Northerly direction a distance of 200 feet to a point for corner in the South line of Murphey School-New Hope Road; Thence in a Westerly direction along the South line of Murphey School-New Hope Road to the point of intersection with the Southeast line of Lawrence Road; Thence in a Southwesterly direction along said line of Lawrence Road to the place of beginning and containing approximately 95.8 acre of land, save and except the approximately seventeen acres to be reserved and dedicated for highway purposes.

SECTION 2. That this Special Permit to allow a perpetual care cemetery, mausoleum and crematory as designated and approved by the City Planning and Zoning Commission 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 prior to any development or change in use a site plan shall be submitted and shall be approved by the City Planning and Zoning Commission and 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 all on-site improvements shall be specified on approved site plan.
- (3) That all means of ingress and egress shall be as indicated on the approved site plan.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) The City of Mesquite water and sanitary sewer lines shall be extended to and service shall be made available for developed portion of the tract at the cost of the owner and developer and shall be in accordance with the City's specifications and regulations.
- (9) That no signs or billboards other than those pertaining to the occupancy of the premises shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type, that the location of any sign other than as stated above shall be first approved by the City Planning and Zoning Commission.
- (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.

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(12) That all individual grave markers shall be recessed in the ground.

(13) That a 620 ft. single family residence development shall be on the Southeast side, 315 feet on the East side and a strip of 200 feet on the North side between the East property line and the new freeway right-of-way shall be reserved for construction of churches or residences.

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 to allow a perpetual care cemetery, mausoleum and crematory as designated and approved by the City Planning and Zoning Commission, 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 ADOPTED this the 2nd day of December, 1958.

J. B. Andrews
J. B. Andrews
Mayor

ATTEST:

Norma G. McGaughy
Norma G. McGaughy
City Secretary

Note:

- 11-3-60
This zoning was held invalid by the Court in Case No. 40179-H, styled Pietzsch, et al, vs. Franklin & City of Mesquite. No Special Permit exists on this property - therefore, reverts back to zoning (Residential) which existed prior to Ord. 220.

N. McGaughy