

ORDINANCE NO. _____
File No. Z0219-0086

AN ORDINANCE CORRECTING ORDINANCE NO. 4662, PASSED BY THE MESQUITE CITY COUNCIL ON APRIL 1, 2019; REPLACING THE PROPERTY DESCRIPTION PROVIDED IN EXHIBIT "A" OF ORDINANCE NO. 4662, WITH THE EXHIBIT "A" ATTACHED TO THIS ORDINANCE; MAKING NONSUBSTANTIVE CORRECTIONS TO THE ANGLE, BEARING AND DISTANCE CALLS IN THE PROPERTY DESCRIPTION; 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, gave the required notices and held the required public hearings regarding the rezoning of the subject property; and the City Council found that it was in the public interest to grant a change in zoning with the passage of Ordinance No. 4662 on April 1, 2019, approving a change of zoning from R-2, single-family residential within the Town East Retail and Restaurant Overlay District to Planned Development – General Retail within the Town East Retail and Restaurant Overlay District to allow restaurant and retail uses on property located on a portion of the south side of the 1900 block of North Town East Boulevard subject to certain stipulations; and

WHEREAS, Staff was notified by the applicant's outside engineering firm that the property description for the subject property provided to the City by the applicant contained errors in one of the survey descriptions for the angle, bearing and distance; and

WHEREAS, this correction is not substantive and does not change the total land area described; and

WHEREAS, the City Council finds that it is in the public interest to correct Ordinance No. 4662 to accurately describe the subject property and reflect the intent of the City Council.

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

SECTION 1. That all of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and they are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. That the Mesquite Zoning Ordinance is amended by amending Ordinance No. 4662 by deleting the property description designated as Exhibit "A" under Section 2 in its entirety and adding a new property description designated as Exhibit "A" under Section 2. The new and corrected property description is attached hereto as Exhibit "A" and incorporated herein by reference. No additional revisions are being made to Ordinance No. 4662.

SECTION 3. 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; otherwise, they shall remain in full force and effect.

SECTION 4. That the property described in Section 2 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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 (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. That 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 6th day of May 2019.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:



David L. Paschall
City Attorney

BEING a 4.71 acre tract of land situated in the JOHN T. NELMS SURVEY, ABSTRACT NUMBER 1095, and the ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501, City of Mesquite, Dallas County, Texas, being a part of Lot 1, Block A of North Mesquite High School Addition, an addition to the City of Mesquite, Texas, according to the plat thereof filed for record in Instrument Number 201000076841, Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.), and being conveyed to Mesquite Independent School District by the Warranty Deeds filed for record in Volume 124, Page 1639 and Volume 124, Page 1643, Deed Records of Dallas County, Texas, (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found in the Southerly right-of-way line of Town East Boulevard (a variable width right-of-way), being the North line of said Lot 1, Block A, and being at the beginning of a curve to the right, with a radius of 440.00 feet, delta angle of 19°42'49", chord bearing and distance of South 87°37'56" East, 150.64 feet;

THENCE with the Southerly right-of-way line of said Town East Boulevard and the common North line of said Lot 1, Block A, the following courses and distances:

Along said curve, an arc distance of 151.39 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found at the end of said curve.

South 77°42'26" East, a distance of 249.27 feet to a 1/2-inch iron rod with plastic cap stamped "NDM" found at the beginning of a curve to the right, with a radius of 1372.40 feet, delta angle of 17°03'11", chord bearing and distance of South 69°20'12" East, 406.97 feet;

Along said curve, an arc distance of 408.47 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found at the end of said curve.

South 30°23'43" West, a distance of 10.00 feet to a 1/2-inch iron rod with plastic cap stamped "NDM" found;

South 58°23'59" East, a distance of 27.91 feet to a TxDOT right-of-way monument found;

South 51°10'32" East, a distance of 74.80 feet to a TxDOT right-of-way monument found at the beginning of a curve to the left with a radius of 314.99 feet, delta angle of 02°20'05", chord bearing and distance of South 52°18'27" East, 12.83 feet;

Along said curve, an arc distance of 12.84 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

THENCE South 07°46'35" East, departing the Southerly right-of-way line of said Town East Boulevard, over and across said Lot 1, Block A, a distance of 72.34 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

THENCE over and across said Lot 1, Block A the following courses and distances:

South 82°23'10" West, a distance of 186.17 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

North 07°19'20" West, a distance of 58.51 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

South 82°11'55" West, a distance of 221.71 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

North 62°40'49" West, a distance of 70.93 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

North 77°03'10" West, a distance of 123.35 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

North 78°39'13" West, a distance of 30.79 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

North 89°05'11" West, a distance of 269.19 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

North 00°54'49" East, a distance of 150.44 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;

North 08°52'07" East, a distance of 129.90 feet to the POINT OF BEGINNING, containing 4.71 acres of land, more or less.