

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 1, ARTICLE XIII OF APPENDIX II OF THE CITY CODE OF THE CITY OF MESQUITE, THE SAME BEING THE 1962 SUBDIVISION ORDINANCE OF SAID CITY; BY REPEALING EXCEPTIONS TO COMPLIANCE WITH SAID SUBDIVISION ORDINANCE; BY SAVING FROM THE AFFECT OF THIS ORDINANCE CERTAIN SUBDIVISIONS WHERE LOTS HAVE BEEN SOLD AND/OR CONSTRUCTION OF IMPROVEMENTS COMMENCED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE; BY PROVIDING FOR REPLATTING OF AFFECTED PLATS AND WAIVER OF FILING FEES; BY PROVIDING FOR WRITTEN NOTICE TO DEVELOPERS; BY PROVIDING FOR A TWELVE MONTH PERIOD IN WHICH TO COMPLY; BY PROVIDING FOR AN APPEAL TO THE CITY COUNCIL; BY PROVIDING FOR CONFLICTS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite recognizes that it is essential that all subdivision be developed in accordance with the requirements of the 1962 Subdivision Ordinance; and

WHEREAS, the fact that the current ordinances of the City of Mesquite are inadequate to insure the development of subdivisions within the requirements of said ordinance and are, therefore, inadequate to protect the public interest.

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

SECTION 1. Exception Repealed - Amendment

That first Section of Article XIII "Exceptions" - of Appendix II of the City Code of the City of Mesquite, Texas, the same being the 1962 Subdivision Ordinance of said city be, and the same is hereby, repealed. That the following section shall be, and the same is hereby, adopted in lieu of said section hereinabove repealed; to wit:

"That the development of all subdivisions within the City of Mesquite shall be in conformity with all requirements of the 1962 Subdivision Ordinance; save in the following cases:

- A. Finalized plats of subdivisions heretofore coming within the exception herewith repealed; where the title to one or more of the lots thereof have been conveyed to third party purchasers not associated with the developer, his successors or assigns; provided that such conveyance has been completed prior to the effective date of this Ordinance.

- B. Finalized plats of subdivisions, heretofore coming within the exception herewith repealed; where there has been an expenditure of funds by the developer on the actual physical development of such subdivision; providing that such work has been done with the approval of the City of Mesquite. That for the purposes of this paragraph actual physical development shall mean the contact improvements of the subdivision such as construction of streets, alleys, drainage facilities or utilities; or any substantial part of such physical improvements, but exclusive of costs for engineering or design plans.

SECTION 2. Replatting - Filing Fees Waived

That the cost of filing fees for the vacating and replatting of any subdivision affected by the provisions of this ordinance shall be waived.

SECTION 3. Notice

That the City Manager is hereby directed to give written notice to the developer or owner of record of any subdivision affected by the provisions of this ordinance.

SECTION 4. Time for Compliance

That any developer or owner so notified as required in Section 3 above shall have twelve (12) months from the date of such notice in which to vacate and replat such subdivision without the incurrence of a filing fee as provided in Section 2 above.

SECTION 5. Council Appeal

That any developer or owner of a subdivision affected by the provisions of this ordinance may, upon thirty (30) days written notice, appeal any administrative ruling made hereunder to the City Council.

SECTION 6. Conflicts

All ordinances, or parts of ordinances, with the exception of the Building Code and Comprehensive Zoning Ordinance of the City of Mesquite, which are inconsistent or in conflict with any of the provisions of this ordinance be, and the same are hereby, repealed. Where the Building Code of the City of Mesquite or Zoning Ordinance of the City of Mesquite contain regulations which are more restrictive than the regulations contained herein, the ordinance which is more restrictive shall control.

SECTION 7. Severability

That the provisions of this ordinance are enacted with the intent that they be considered severable; and in the event that any of the provisions hereof be declared invalid or unconstitutional for any reason such invalidity or unconstitutionality shall not affect the validity of those provisions left remaining or any provisions of the 1962 Subdivision Ordinance.

SECTION 8. Penalty

That any person or firm who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in an amount not to exceed two hundred dollars (\$200.00).

SECTION 9. Emergency

That the present ordinances of the City of Mesquite are inadequate to provide for the proper development of subdivisions within the city creates an urgency and an emergency in the interest of the public health, safety, and welfare and requires that this ordinance become effective immediately upon its passage and publication of the caption, as the law in such cases provides, and it is accordingly so ordained.

DULY PASSED by the City Council of the City of Mesquite, Texas, on this the 20 day of January, 1969.

George Boyce  
George Boyce  
Mayor

ATTEST:

Sue M. Frost  
~~Norma G. McCaughy~~ Sue M. Frost  
Acting City Secretary

APPROVED AS TO FORM:  
William R. Springfield  
William R. Springfield  
City Attorney

