

ORDINANCE NO. 2003

00011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ANNEXING CERTAIN LAND AS DESCRIBED IN EXHIBIT "A", AND ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE, LOCATED GENERALLY SOUTHEAST OF THE PRESENT CITY LIMITS EXTENDING 500 FEET SOUTH OF PROPOSED I-20 AND ADJACENT THERETO; EXTENDING THE BOUNDARY LIMITS OF SAID CITY LIMITS OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND GRANTING TO ALL THE INHABITANTS AND OWNERS OF THE PROPERTY THE RIGHTS AND PRIVILEGES OF ALL OTHER CITIZENS AND BINDING ALL INHABITANTS BY ALL THE ACTS, ORDINANCES AND REGULATIONS OF SAID CITY; BY ADOPTING THE ATTACHED SERVICE PLAN FOR SAID AREA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF SAID ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City of Mesquite has heretofore adopted a Home Rule Charter authorizing it to annex territory and extend the corporate limits of said City; and,

WHEREAS, the property described in Exhibit "A", as attached hereto and made a part of this ordinance, is adjoining the present city limits of the City of Mesquite and the City Council of the City of Mesquite has concluded that said area should be annexed and made a part of the City of Mesquite, Texas; and,

WHEREAS, all of said land is within the extra-territorial jurisdiction of the City of Mesquite, Texas; and

WHEREAS, a service plan for said area has been prepared as required by law:

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

SECTION 1. That the property described in Exhibit "A", as attached hereto and made a part of this ordinance, be, and the same is, hereby annexed to the City of Mesquite, Dallas County, Texas, and the boundary limits of the City of Mesquite be, and the same are, hereby extended to include the territory described in Exhibit "A" within the city limits of the City of Mesquite, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Mesquite and shall be bound by the acts, ordinances, resolutions and regulations of said City.

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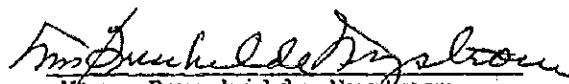
SECTION 2. That should any portion of the territory as described in Exhibit "A" not be subject to legal annexation by the City of Mesquite, such fact shall not prevent the City from annexing such territory which is subject to legal annexation by the City, and it is the intention of the City of Mesquite to annex only such territory as may be legally annexed by it within the limits of the area described in Exhibit "A".

SECTION 3. That the attached service plan is hereby adopted and made a part of this ordinance.

SECTION 4. That this ordinance shall take effect from and after its passage as the Charter in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 12th day of March, A.D., 1984.

PUBLISHED IN the Mesquite News Newspaper on the 18th day of March, A.D., 1984.

  
Mrs. Brunhilde Nysstrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney

CITY OF MESQUITE  
ANNEXATION SERVICE PLAN  
TRACT 1 - 5.7 SQUARE MILES

INTRODUCTION

Pursuant to Section 10, Article 970A, V.A.C.S., the City of Mesquite has prepared this proposed service plan for the delivery of municipal services to this territory which is proposed to be annexed to the City. This tract of land, a map of which is attached and labeled Exhibit "A," contains 5.7 square miles of area, or 3,650 acres, and is located to the south and southwest of the presently existing city limits of the City of Mesquite. The area proposed to be annexed is more fully described by the attached field notes labeled Exhibit "B."

As indicated, the area proposed to be annexed contains 5.7 square miles, or approximately 3,650 acres, and has been determined to contain approximately 128 single family residences, 7 mobile homes, 1 church, and 5 business establishments. Based on household population figures established by the 1980 Census, this approximately 135 single family residences is estimated to contain approximately 428 inhabitants. However, the majority of the single family houses, 88 (or 65 percent), are located in two fairly concentrated areas. These include Redwood and Woodgrove Streets which together contain approximately 40 houses, and the Lumley-Shannon area which contains approximately 48 houses. Therefore, the majority of the area proposed to be annexed is relatively undeveloped and uninhabited. Based on the number of houses and inhabitants, the density for the entire area is calculated to be approximately 75 people per square mile, or .11 people per acre.

Using 1982 assessed values, the land and improvements within the area proposed for annexation is valued at approximately \$14,000,000.

ANNEXATION SERVICES TO BE PROVIDED

In accordance with the annexation statute, the following municipal services will be provided immediately upon annexation by the City of Mesquite, and in no event later than 60 days after the effective date of the annexation ordinance.

POLICE PROTECTION

1. On the effective date of annexation, the area will become part of the existing southeast patrol district (currently District No. 71).
2. Effective on the date of annexation, preventative patrol service on a level comparable to that provided for other areas of the City with equivalent population densities,

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degrees and nature of development, traffic patterns, and other factors influencing crime, and traffic accident rates will be provided.

3. Review and adjustment of patrol district boundaries, in order to maintain the number of calls for service in each district at approximately equal levels, will be performed at two to five year intervals, depending on the amount and patterns of development throughout the City.
4. Calls for police service will be answered by the district officer with responsibility for the area, and/or by another officer as required, unless the call is determined to be unfounded, fictitious, or noncriminal in nature. Any decision not to respond to a particular class or category of call will be made based on a policy which will apply equally to all calls within the annexed area and the existing city limits.
5. Criminal investigative services will be provided to the annexed area for each reported crime occurring on or after the effective date of annexation, based on the same criteria as applied to crimes reported elsewhere in the City. Each reported crime will be evaluated individually.
6. The authorized strength of the Police Department will be adjusted periodically in relation to population change as provided by the recent City Charter Amendment which establishes a minimum of 1.5 police officers per 1,000 population.

#### FIRE SERVICE

1. Primary response into the annexed area will be from Fire Station No. 1 located at 320 South Galloway. Fire Station No. 4, located at 816 Hickory Tree Road, will act as back-up to Station No. 1. Emergency ambulance service will also be provided in the newly annexed area by the Fire Department as provided in other areas of the City. Preliminary runs by units of the Fire Department indicate response times into the annexed area will compare favorably with those of the Balch Springs Fire Department, which currently provides fire protection and ambulance service to this area under contract with Dallas County.
2. The Fire Department does not anticipate need for additional personnel or fire stations to provide service to the newly annexed area at this time. As population density and fire flow requirements increase in the area, fire station site selection will be made to provide coverages and response time similar to other more densely populated areas of the City.

3. Regular fire prevention inspections and building construction plan review will be provided to the area immediately upon annexation.

#### PARK AND RECREATIONAL SERVICES

1. Park and recreation services for those persons living in the annexed area will be provided immediately. Services provided will be identical to those provided persons living in other areas of the City, and will include youth soccer, football, baseball, track, swimming, basketball and other recreational programs. Golf, swimming and tennis facilities will be provided under the same fee structure and hours of operation as for all other residents of the City.
2. All adult programs, including senior citizen's programs, will be offered to those residents of the newly annexed area.
3. Community center programs and activities will also be made available immediately.
4. Open park areas for picnicking will be available to all residents of the annexed area on the same basis as residents presently residing within the city limits.
5. Vegetation control on street rights-of-way in the annexed area will be undertaken within 60 days of annexation. Dallas County will continue to mow the Type "B" Roads, as per the County's usual policy. The City of Mesquite will provide vegetation control on all other rights-of-way according to existing City ordinances. Vegetation and litter control is expected to cost approximately \$4,000 per year.

#### LIBRARY SERVICES

1. Library services identical to those provided persons already living in the City will be provided those persons living in the annexation area immediately upon the effective date of annexation. Information and programming services offered by the main library, 300 Grubb, and the north branch library, 2600 Oates, will be available to any persons desiring to avail themselves of such services based on the same procedures used for persons already living in the City.

#### SOLID WASTE COLLECTION

1. Effective immediately upon annexation, solid waste collection will be provided on Tuesday and Friday of each week, with

yard trash collected one day per week on either Wednesday or Friday, for the regular City fee of \$5.25 per month.

2. The use of the City Sanitary Landfill at S.H. 175 and I.H. 635 will be provided to all residents of the newly annexed area on the same basis as those residents currently living within the city limits.
3. Commercial refuse collection services will be provided to any business located in the annexed area at the same price as presently provided for any business customer within the City of Mesquite.

#### MAINTENANCE OF ROADS AND STREETS

1. The approximately 10 miles of streets, and several bridges, located in the area to be annexed will be maintained by City street forces effective with the date of annexation. As is presently done in other areas of the City, some street and bridge work will be contracted with the use of Dallas County forces.

Based on the relationship of the number of streets within the area to be annexed as compared to that currently within the City, it is estimated that the annualized cost of street maintenance will be approximately \$18,000.

#### MAINTENANCE OF WATER AND WASTE WATER FACILITIES

1. That portion of the area proposed to be annexed which is presently served water and sewer by the City of Dallas will continue to be served through a contractual arrangement between the cities. Continuation of existing services will likely entail the acquisition of a part of the Dallas system by Mesquite.
2. The extension of water and sanitary sewer services will be provided in accordance with current policy, established by City ordinance and applicable to all property presently within the corporate limits of the City. This policy basically provides for the extension of mains from the existing systems by the owners or developers of property desiring service, with the City sharing in the project cost to the extent of any required "oversizing" to serve other properties. The owners of other properties served also share in the cost of the project through the payment of pro rata charges established in the policy at such time as service connections are made to mains installed by others.

The City has presently in service a 5 million gallon water reservoir and pump station located on Eulane Drive near the Mesquite Valley Road and Cartwright Road intersection, which provides an adequate source to serve all the area proposed to be annexed.

The trunk sanitary sewer mains presently existing along North Mesquite Creek and South Mesquite Creek to the Waste Water Treatment Plant located southeast of Lawson Road will adequately serve the natural drainage basins of these major creeks. Secondary mains extended from these trunk mains by developers in accordance with current policy will serve the majority of the area proposed to be annexed. Areas outside the natural drainage basins will be served by the installation of lift stations or by contracting with other agencies capable of serving these areas.

#### PLANNING AND ZONING SERVICES

1. Planning and zoning services will be provided immediately upon annexation. In addition to the protection of property values through enforcement of the zoning and subdivision regulations, other services including the processing of applications for zoning change, subdivision platting, and site plans, will be provided by the current Planning Division personnel. Until a specific Land Use Plan is prepared for the area annexed, the guidelines provided in the Mesquite Development Guide will be utilized in the evaluation of development proposals in the area. The City plans to update its current city-wide Development Guide within the next six months and will take into consideration the area proposed to be annexed.
2. All property annexed into the City will be initially zoned "A" - Agricultural, without regard to its present use or its potential use, as a "transitional zoning." Changes in zoning for specific tracts will be processed in accordance with State law, including public hearings before the Planning and Zoning Commission and the City Council prior to final action. Existing uses of property at the time of annexation will be allowed to continue as non-conforming uses, though the zoning of the property will initially be "A" - Agricultural. Expansion of a non-conforming use, however, will require approval by the City's Board of Adjustment or a change in zoning to accommodate the existing or proposed use.

"The City of Mesquite by and through its representative, agents, servants and employees does hereby covenant and agree as follows:

A. No action shall be taken in any form or manner by the City of Mesquite, its representatives, agents, servants and employees (for a period of twenty years ending on the 1st day of March, 2004) that shall cause, effectuate or

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otherwise result in an amortization or cessation of any and/or all "existing uses" of real property in the areas depicted in Tract 1 and/or Tract 2, said tracts being areas to be annexed by the City of Mesquite.

B. "Existing uses" shall be defined as any and/or all uses that the real properties the subject of this annexation proceeding are devoted to on or before the 1st day of March, 1984. Provided further that any property that is in a state of "substantial construction" on or before the 1st day of March, 1984, shall be deemed an "existing use."

C. "Substantial construction" shall be defined as any and all tracts of land that contain, display or otherwise have standing improvements capable of total completion or finish out within 120 days from the date of this agreement. Such status attaches only to that portion of land actually being used or upon which substantial construction for a particular use has been accomplished.

The City of Mesquite shall devise and maintain documents that shall be filed of public record as to all owners of real property in Tracts 1 and/or 2 whose property is devoted to existing uses as hereinabove defined.

A. The document to be maintained by the City of Mesquite shall contain a legal description and street address of the real property; the full names of all legal owners of said real property; a description of the current existing usage of the property or use to which the property is devoted; the date of inspection by a representative of the City of Mesquite; and an acknowledgement or certificate of approval by a representative of the City of Mesquite as to the existing uses.

B. All said documents are to be filed of record on or before the 1st day of March, 1984.

The City of Mesquite, its representatives, agents servants and employees does hereby warrant and acknowledge that the above agreements are contractual and not mere recitals."

ENGINEERING SERVICES

1. Engineering services, including the review of development plans, the issuance of permits as required in the development



Annexation Service Plan  
Tract 1 - 5.7 Square Miles  
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phase, and the inspection of the installation of water and sanitary sewer mains, storm sewers, and paving of public streets and alleys, will be provided immediately by current Engineering Division personnel.

BUILDING INSPECTION SERVICES

1. Inspection services, including the review of building plans, the issuance of permits, and the inspection of all building, plumbing, mechanical, and electrical work to insure compliance with City codes and ordinances, will be provided immediately by the current Building Inspection Division personnel.

TRAFFIC SERVICES

1. Installation of traffic signs, including street name, warning, and regulatory signs, will be installed and maintained by current Traffic Division personnel according to established priorities. Traffic counts and other studies will be conducted as warranted, as is currently the practice within the corporate limits of the City. This service will begin within 60 days following annexation.

ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES

1. Enforcement of the City's environmental health ordinances and regulations will be provided within the annexed area on the effective date of the annexation ordinance. These health ordinances and other regulations will be enforced using existing environmental health personnel.
2. Complaints of ordinance violations or other code violations within the area will be answered and investigated by existing personnel on the effective date of the annexation ordinance.
3. Animal control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

CAPITAL IMPROVEMENTS

As provided by the annexation statute, no monies received from the sale of bonds or evidenced by other instruments of indebtedness may be allocated to the annexed area for a period of 180 days after annexation.

The following capital improvements will be undertaken within two and one-half years of the annexation of the area:

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WATER EXTENSION

The installation of a 12-inch water main in Cartwright Road southeasterly from the Windsor Manor Addition to Mercury Road will extend the distribution system toward the area under consideration by early 1984 at an estimated cost of \$180,000.

BRIDGE REPLACEMENTS

The replacement, or major reconstruction, of two substandard bridges in the area will be undertaken within two and one-half years of the effective date of the annexation.

The cost of replacement, or reconstruction, cannot be determined without detailed engineering study and analysis.

## ATTACHMENT "A"

LONG-RANGE PLANS

Although not proposed to be undertaken within the two and one-half year period, and therefore not included as a part of the service plan but for information purposes only other capital improvements will be undertaken as growth and development of the annexed area occurs. These include:

PARK AND RECREATION

1. The City plans to acquire three (3) neighborhood park sites to serve individual neighborhoods and would likely be five to seven and one-half acres in size. It is anticipated that the School District will acquire a like amount of land adjacent to the park for elementary school purposes.
2. The City also plans to continue its greenbelt system through the proposed annexation area. It is anticipated that a variety of methods will be used to complete the greenbelt such as acquisitions and donations as well as the use of easements and rights-of-way. The greenbelt is planned to be developed into active as well as passive use areas similar to those greenbelt areas already developed.

LIBRARY

1. Upon the construction of schools in the area, they will be added to the regular yearly schedule of visits by the Library System's Children's Librarians to encourage reading developments.
2. Upon the construction of such facilities as day care centers and nursing homes, special programs and rotating deposit collections will be instituted as currently exist in the rest of the City.

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3. When future development and resident population in the area achieve levels justifying the building of a branch library facility, a site will be selected to serve those development centers. Should the City in the meantime resume bookmobile operation, such service will be extended to this area assuming certain levels of population to justify such an expense. Current standards for building branch facilities suggest a resident service-area population of 20,000 and for bookmobile service a population of 5,000.

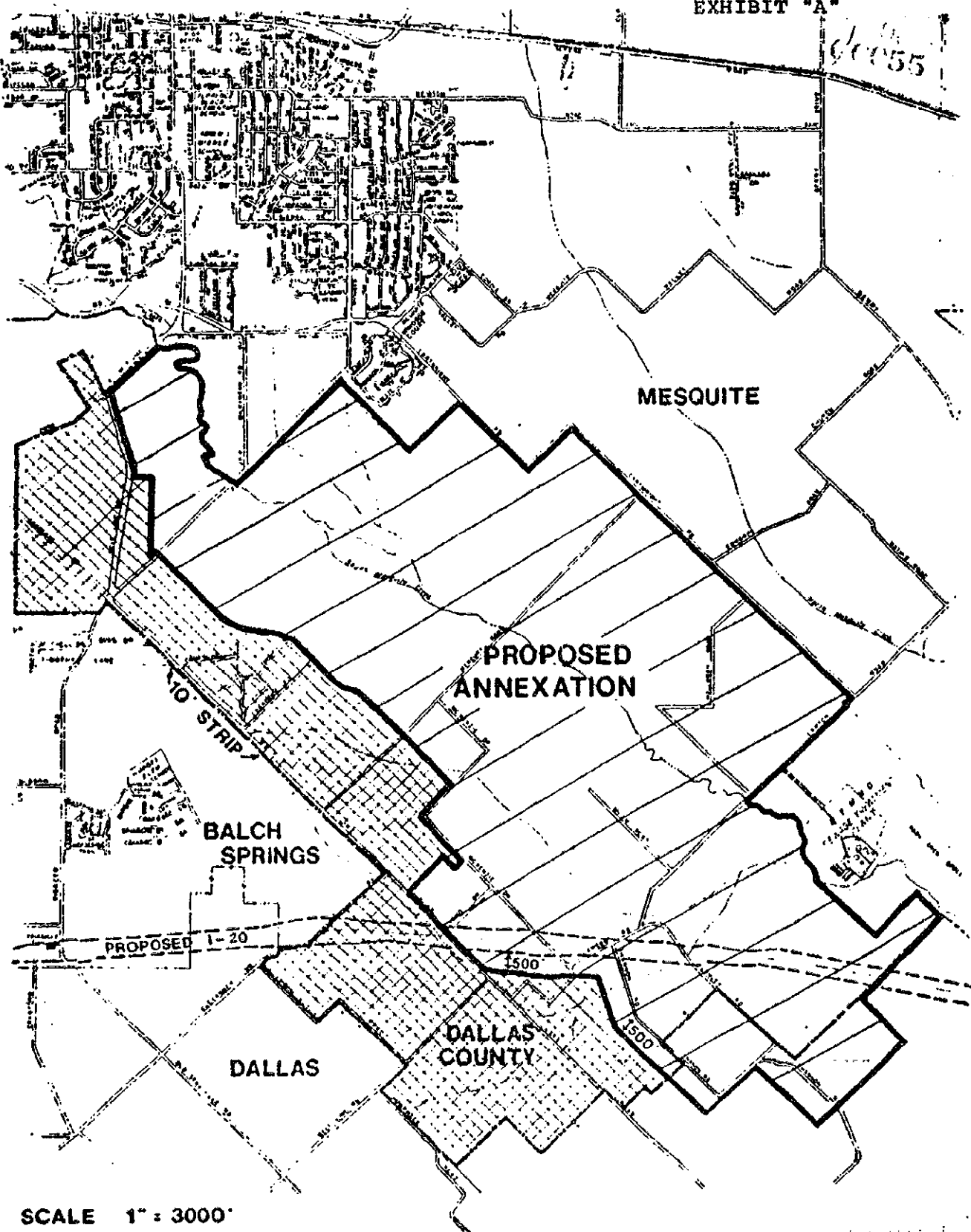
FIRE

As population density and fire flow requirements increase to justify fire station construction in the area, site selection should be made to provide coverage and response times similar to those stations in the remainder of the City.

The information contained herein is not intended to be contractual in nature and forms no part of the service plan. The long-range plans are subject to the action of future councils and based upon factors subject to change and is offered as general information. It is hoped that the information offered by this attachment will explain or clarify certain policies and positions of the City.

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SCALE 1" = 3000'



AREA NOT PROPOSED FOR ANNEXATION [within 10' strip]

TRACT I

BEGINNING at a point in the corporate city limits of the City of Mesquite, Texas, by Ordinance No. 261, said point being the intersection of the center line of South Mesquite Creek and the southerly right-of-way line of Lake June Road, also called Belt Line Road;

THENCE southerly with the meanderings of South Mesquite Creek along the center line of South Mesquite Creek to the intersection of the center line of said South Mesquite Creek and the northerly right-of-way line of Pioneer Road;

THENCE north 45 degrees east along the north right-of-way line of Pioneer Road a distance of approximately 3,800 feet to a point identified in Ordinance No. 962;

THENCE south 45 degrees east along the current city limit line a distance of approximately 2,443 feet to a point as identified in Ordinance No. 1004;

THENCE north 45 degrees east along the current city limit line a distance of approximately 1,646 feet to a point in the southwest right-of-way line of Cartwright Road;

THENCE southeasterly with the southwest right-of-way line of Cartwright Road approximately 2,400 feet to a point;

THENCE northeasterly with the southeast right-of-way line of Cartwright Road approximately 2,000 feet to a point;

THENCE southeasterly with the southwest right-of-way line of Cartwright Road approximately 9,300 feet to a point, said point being at the intersection of the southwest right-of-way line of Cartwright Road with the northwest right-of-way line of Lawson Road;

THENCE southwesterly along the northwest right-of-way line of Lawson Road to a point, said point being north 45 degrees west 60 feet from the north corner of a tract of land deeded to the City of Mesquite as the Sewage Treatment Plant;

THENCE south 45 degrees east 60 feet to the north corner of said City of Mesquite property, said point being in the southeast right-of-way line of Lawson Road and the Corporation Limits Line by Ordinance No. 498;

THENCE south 45 degrees west with the southeast right-of-way line of Lawson Road approximately 3,200 feet to a point, said point being the intersection of South Mesquite Creek and the southeast right-of-way line of Lawson Road; also said point being the west property corner of said Sewage Treatment Plant;

THENCE southeasterly along and following the meandering of South Mesquite Creek approximately 3,362 feet to a point;



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THENCE south 45 degrees east approximately 1,495 feet to a point; said point being the east corner of the Potter 218 acre tract in the John M. Harding Survey, Abstract 569;

THENCE north 45 degrees east 1,595.5 feet to a point, said point being in the southwesterly survey line of the Isaac Edwards Survey, Abstract 1658;

THENCE south 45 degrees east 827.7 feet with the southwesterly survey line of said Edwards Survey, Abstract 1658 to a point, said point being the north corner of the S. A. Haught Survey, Abstract 568;

THENCE south 45 degrees west approximately 2,872 feet with the northwesterly survey line of said S. A. Haught Survey, Abstract 568 to a point, said point being the north corner of the James Moore Survey, Abstract 961;

THENCE south 45 degrees east approximately 1,450 feet with the northeasterly survey line of said James Moore Survey, Abstract No. 961 to a point;

THENCE south 45 degrees west 2,823.6 feet with the southeasterly survey line of said James Moore Survey, Abstract No. 961 to a point;

THENCE north 45 degrees west 2,000 feet to a point in the southeasterly survey line of the S. A. Haught Survey, Abstract 567;

THENCE southwesterly with the southeast survey line of said S. A. Haught Survey, Abstract 567 approximately 1,500 feet to a point, said point being 500 feet southwest of the west right-of-way line of Shannon Road;

THENCE northwesterly along a line 500 feet from and parallel at 500 feet to the southwest right-of-way line of Shannon Road to a point 500 feet at right angles from the south right-of-way line of proposed Interstate Highway 20;

THENCE westerly along a line 500 feet from and parallel at 500 feet to the south right-of-way line of said proposed Interstate Highway 20 to a point in the northeast right-of-way line of Belt Line Road;

THENCE north 45 degrees west along the northeast right-of-way line of Belt Line Road to a point; said point being the northwest corner of the Hidden Valley Addition;

THENCE north 45° 49' 30" east 1,373.60 feet with the northwest line of said Hidden Valley Addition to a point;

THENCE south 43° 55' 30" east 414.30 feet to a point;

THENCE north 46° 09' east 300.56 feet to a point in the southwest right-of-way line of McKenzie Road;

THENCE northwesterly and northeasterly along the southwesterly and northwesterly right-of-way line of McKenzie Road, a distance of approximately one-half mile to a point; said point being the east property corner of the 35.01 acre M. C. Prock tract;

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THENCE north 45 degrees west along the northeast line of said M. C. Prock 35.01 acre tract and the northeast line of the 31.136 acre Gracon Construction Co. tract approximately 1,800 feet to a point in the northwest right-of-way line of Mercury Road;

THENCE south 45 degrees west along the northwest right-of-way line of Mercury Road to a point; said point being the intersection of the northwest right-of-way line of Mercury Road to the northeast right-of-way line of McKenzie Road;

THENCE northwesterly 30 feet north and parallel at 30 feet to the following described line;

BEGINNING at the intersection of the center line of McKenzie Road and the northwest right-of-way line of Mercury Road;

North 45° west 1,684.56 feet;  
North 75° 13' west 429.12 feet;  
North 45° west 1,542.96 feet;  
South 72° 32' west 366.65 feet;  
North 68° 53' west 285.25 feet;  
North 76° 32' west 364.40 feet;  
North 60° 45' west 270.60 feet;  
North 62° 07' west 491.00 feet;  
North 53° 38' west 612.50 feet;  
North 46° 59' west 528.89 feet;  
North 47° 47' west 621.80 feet;  
North 44° 35' west 425.4 feet;

to a point in the center line of Pioneer Road;

THENCE south 45° 27' west along the center line of Pioneer Road to a point, said point being the projection of the south corner of a 49.3 acre tract belonging to W. G. Austin out of the Benjamin Beckner Survey, Abstract 167;

THENCE northerly approximately 2,100 feet along said property line to the northwesterly corner of said W. G. Austin 49.3 acre tract; said point being in the survey line of the Benjamin Beckner Survey, Abstract 167;

THENCE westerly along the survey line of said Benjamin Beckner Survey, Abstract 167 to a point in the east right-of-way line of Belt Line Road;

THENCE along said line of Belt Line Road around a curve to the left having a radius of 1,970.08 feet to the end of said curve;

THENCE north 9° 46' west with said line of Belt Line Road a distance of 1,193.7 feet to the beginning of a curve to the right having a radius of 895.4 feet and a central angle of 56° 09';

THENCE northerly with the easterly line of Belt Line Road and along said curve to the right an arc distance of 876.8 feet to the end of said curve;

THENCE north 46° 23' east a distance of 1,073 feet to a point; said point being the intersection of the center line of South Mesquite Creek and the southerly right-of-way line of Belt Line Road, also said point being the Point of Beginning, containing approximately 5.7 square miles, 3,650 acres, more or less.