

ORDINANCE NO. 2004

0079

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 EAST OF THE PRESENT CITY LIMITS AND CONTAINING 0.44 SQUARE MILES OF AREA, 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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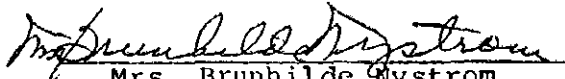
SECTION 2. That should any portion of the territory as described in Exhibit "A" not be subject to legal annexation by the City of Mesquite, such fact shall not prevent the City from annexing such territory which is subject to legal annexation by the City, and it is the intention of the City of Mesquite 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.

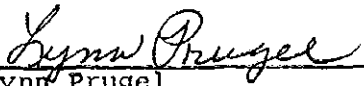
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 12th day of March, A.D., 1984.

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


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

00061

CITY OF MESQUITE
ANNEXATION SERVICE PLAN
TRACT 2 - 0.44 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 0.44 square miles of area, or 282.06 acres, and is located to the east 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."

This small tract of land is located immediately to the east and south of the Hudson Municipal Airport, and contains no inhabitants. The land is undeveloped and primarily agricultural in nature and use.

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). However, there are no public roads or streets providing access to the area to be annexed.

FIRE SERVICE

1. Primary response into the annexed area will be from Fire Station No. 1 located at 320 South Galloway. Fire Station No. 5, located at 2141 North Galloway, 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.
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.

PARK AND RECREATIONAL SERVICES

Since there are no inhabitants in the area, there will be no demand for park and recreational services.

LIBRARY SERVICES

The area contains no inhabitants at present.

SOLID WASTE COLLECTION

The area contains no inhabitants at present.

MAINTENANCE OF ROADS AND STREETS

There are no public roads or streets in the area to be annexed.

MAINTENANCE OF WATER AND WASTE WATER FACILITIES

1. 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.

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 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 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 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.

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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.

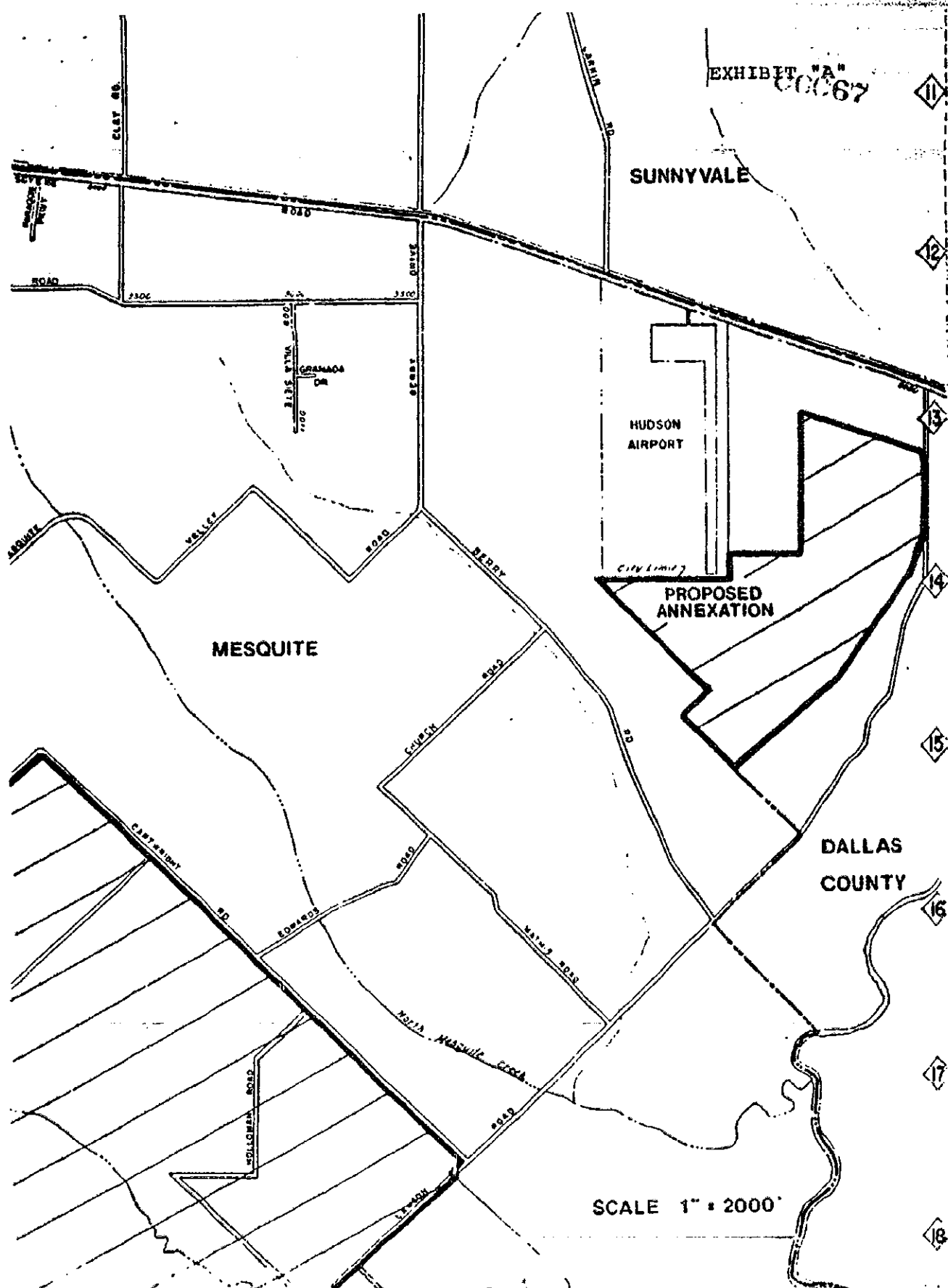
CAPITAL IMPROVEMENTS

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.

There are no capital improvements proposed to be undertaken within two and one-half years after annexation of the area.

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EXHIBIT "A"
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SCALE 1" = 2000'

TRACT II

BEGINNING at a point in the corporate city limits of the City of Mesquite, Texas, by Ordinance No. 1168, said point being in the East County boundary line of Dallas County, 1,000 feet at right angles to the south right-of-way line of the Missouri Pacific Railroad.

THENCE southerly along the east line of Dallas County to a point in the north line of the S. P. Birt Survey;

THENCE westerly and southerly along the north line of said S. P. Birt Survey, to a point in the east line of the Benjamin Beckner Survey, Abstract 1617;

THENCE southeasterly along the east line of said Benjamin Beckner Survey, Abstract 1617, to a point, said point being the southeast corner of Lot 7 in said Benjamin Beckner Survey, Abstract 1617;

THENCE southwesterly along the south line of Lot 7 and Lot 8 in said Benjamin Beckner Survey, Abstract 1617, to a point in the northeast line of the W. W. Bruton Survey, Abstract 160;

THENCE northwesterly along the northeast line of said W. W. Bruton Survey, Abstract 160, to a point in the southeasterly survey line of the John Pike Survey, Abstract 1174;

THENCE northeasterly along the easterly line of said Pike Survey, Abstract 1174, to the northeasterly corner of said Pike Survey, Abstract 1174;

THENCE, northwesterly along the northerly line of said Pike Survey, Abstract 1174, to a point in the south line of the W. S. Robinson Survey, Abstract 1262;

THENCE, east, north, east and north along the survey line of the W. S. Robinson Survey, Abstract 1262 and the east line of the said Robinson Survey, Abstract 1262 projected to a point 1,000 feet at right angles from the south right-of-way line of the Missouri Pacific Railroad;

THENCE easterly along a line 1,000 feet from and parallel at 1,000 feet to the south right-of-way line of said Missouri Pacific Railroad to the Point of Beginning, containing approximately 0.44 square miles, 282.06 acres, more or less.