

**ORDINANCE NO. 2617**

**AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING MINIMUM STANDARDS FOR THE DEVELOPMENT OF MEDIANS ON STREETS AND BOULEVARDS WITHIN THE CITY OF MESQUITE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Mesquite is dedicated to the enhancement of the City in an effort to attract and encourage residential and industrial growth within the City, and

WHEREAS, aesthetic improvements in the City's medians will provide such enhancement by creating more pleasant and attractive streets and boulevards within the City.

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

**SECTION 1.** The following regulations and procedures for the development of all medians hereafter developed on streets and boulevards within the City of Mesquite are hereby established:

A. The developer of a private project or the City on a public project shall develop and improve or cause the development and improvement of street and boulevard medians within or a part of the project as follows:

1. *Preparing the Subsurface.*

- (a) All utilities, including City utilities, gas, electric, and telephone, shall be placed in the parkway portion of right-of-way. Where it is not practical to place utilities in the parkway portion of right-of-way, utilities placed in the median shall be placed within three (3) feet of the curb of the median. Every effort shall be made to prevent placement of utilities at the center of the median.
- (b) Sleeves of the appropriate size shall be placed from median to median, and/or from water source to median. Sleeve designs are required to be approved by the City Parks and Recreation Department, and the Parks and Recreation Department shall assist the developer of the project with the design of the sleeve plan.
- (c) Water Taps of the appropriate size with a meter box (City of Mesquite standard), shall be placed in the appropriate location as approved by the Parks and Recreation Department. The Parks and Recreation Department will recommend sites based on the street plan and the availability of the water systems.

2. *Removal of difficult maintenance areas.*

Narrow areas of the median (noses) shall be paved with a minimum of four (4) inch concrete. An area seven (7) feet in width or less shall be deemed to be a narrow area, and paving shall be required. Other areas deemed by the Parks and Recreation Department to be "difficult maintenance areas" shall be eliminated at the request of and in the manner prescribed by the City Parks and Recreation Department.

3. *Providing an Adequate Plant Growing Medium.*

Median areas not removed or eliminated as provided in Section 2 shall be filled with six (6) inches of top soil or sandy loam. The developer shall remove all rocks, large roots, and other debris from the median area.

4. *Planting of Trees in the Median.*

Trees shall be planted in the median as follows:

- (a) A minimum of one tree of not less than 2 1/2 inch calliper in size per 800 square feet of median, exclusive of paved portions of the median, shall be planted.
- (b) The tree(s) planted must be approved by the Parks and Recreation Department. Approved trees are as follows:

Eastern Red Cedar  
Crape Myrtle  
Bald Cypress  
Pond Cypress  
Cedar Elm  
Ginkgo  
Goldenrain Tree  
Deciduous Holly  
All Oaks  
Flowering Peach  
Bradford Pear  
Eldarica Pine  
Chinese Pistachio  
Purpleleaf Plum  
Redbud  
Sweetgum

- (c) Conceptual plans shown in Exhibit "A" (attached hereto) shall serve as a guide to planting trees in the median, except the visibility setbacks are required and must be adhered to.

5. *Establishment of Ground Cover.*

Ground cover in the unpaved median areas shall be required. Such ground cover shall consist of Bermuda grass established sufficiently to be considered a full coverage of the soil as determined by the Parks and Recreation Department.

6. *Additional Improvements.*

Median improvements in addition to those required, including but not limited to larger trees, shrubs, irrigation, and color beds, may be permitted upon submission to and approval of the Parks and Recreation Department. Maintenance requirements shall be the primary consideration of the Parks and Recreation Department in considering improvement plans including more than the required improvements.

7. *Maintenance Responsibility of the Private Developer.*

- (a) Maintenance of median improvements of private developers shall be the responsibility of the private developer for a period of two (2) years following the acceptance of the improvements by the Parks and Recreation Department. The maintenance to be provided shall include mowing and edging the grass on a regular basis, watering the trees sufficiently to maintain vigor, replacement of dead or dying trees, litter control, weed control, and any other maintenance necessary for the upkeep of the median in an attractive manner.

(b) In order to guarantee performance of the median maintenance, the private developer shall be required to establish an escrow account with the City of Mesquite for such purpose. The amount placed in escrow shall be equal to the cost of the maintenance of the median improvements for two (2) years. Such cost shall be determined by the Parks and Recreation Department based upon current maintenance costs. If satisfactory maintenance is accomplished by the developer during the first year of the two (2) year required maintenance, one-half of the amount in escrow shall be released at the end of the first year. The remainder of the escrow amount shall be returned to the developer at the close of the second year of satisfactory maintenance. If at any time during the required two (2) year maintenance period the developer shall fail to maintain the median, the City Park and Recreation Department shall utilize funds from the escrow account to accomplish the maintenance and such amount shall be deducted from any amount returned to the developer at the end of the two (2) year maintenance period. If satisfactory maintenance is not accomplished for any period during the first year of the two (2) year maintenance period, no funds shall be returned to the developer until the end of the entire two (2) year period, at which time remaining funds, if any, shall be returned to the developer. Any interest accrued on the escrow account shall be the property of the City of Mesquite.

*B. Contract and Maintenance on City Projects.*

1. *Contract.* On City paving projects, all irrigations and electrical service shall be installed as part of paving contract per location given in the plans by Park and Recreation. The City may contract for the median improvements and beautification separately from the contract for paving the street or boulevard.
2. *Maintenance.* The City shall water and maintain the trees upon acceptance. The City, upon acceptance of the turf, will contract the turf maintenance.

*C. County Projects.*

1. Median improvements on County paving projects, all irrigations and electrical service shall be installed as part of paving contract per location given in the plans by Park and Recreation. The City shall contract the median improvements.
2. *Maintenance.* The City shall water and maintain the trees upon acceptance. The City, upon acceptance of the turf, will contract the turf maintenance.

SECTION 2. 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 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21th day of August, 1989.

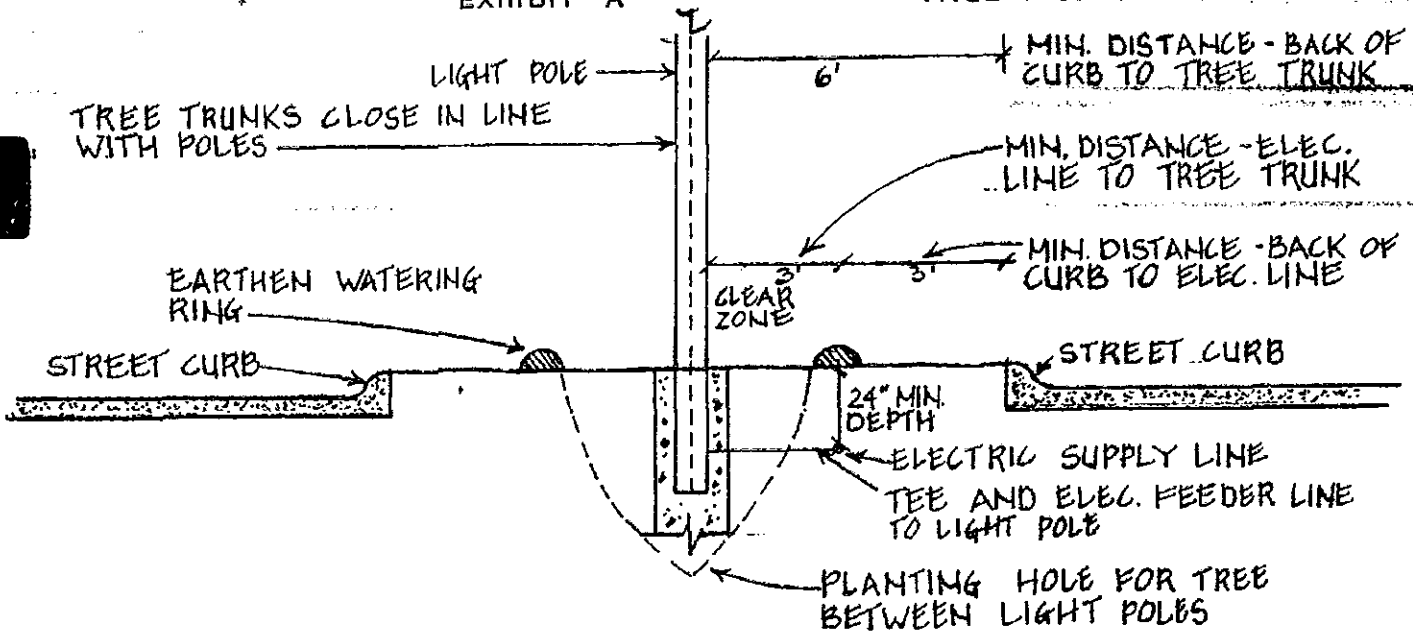
  
George A. Venner, Sr.  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

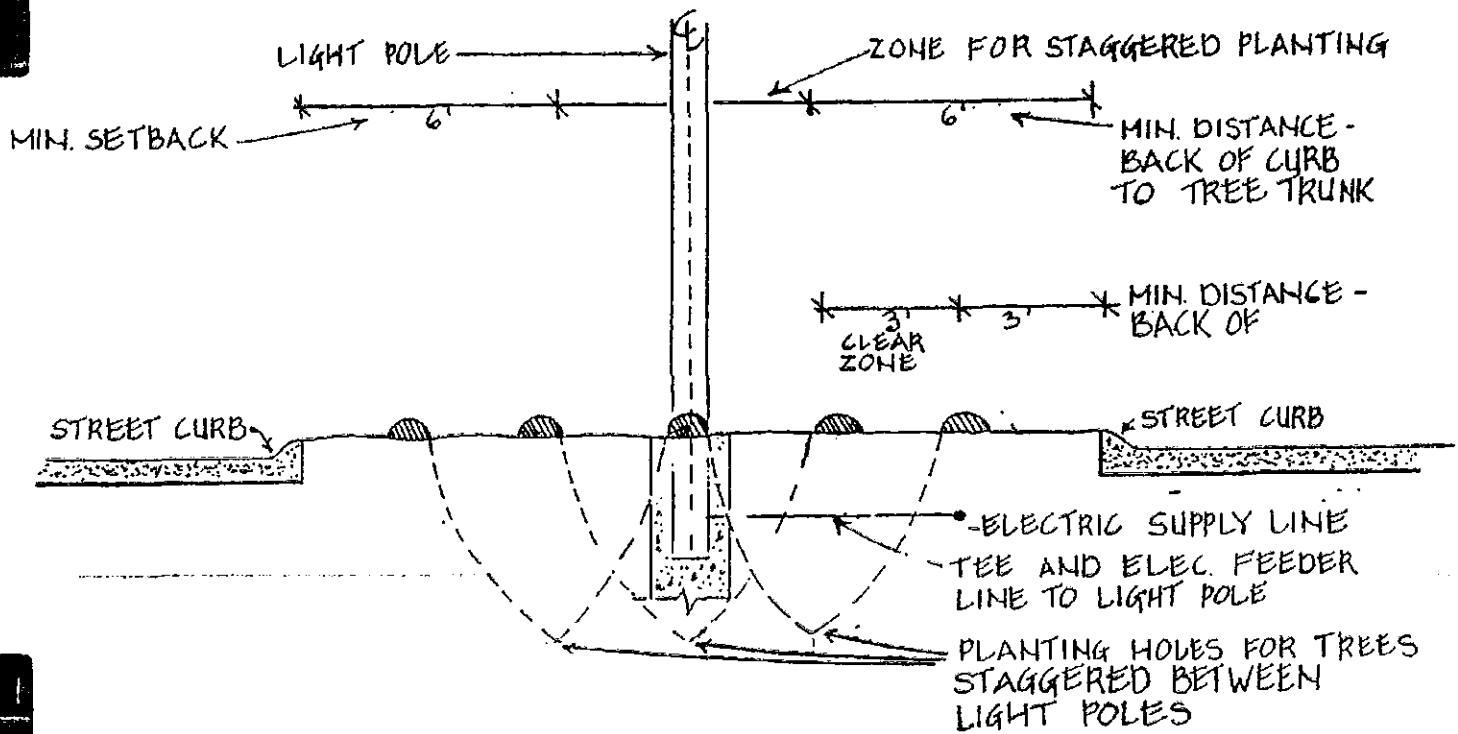
APPROVED:

  
B.J. Smith  
City Attorney



MEDIANS 14' WIDE

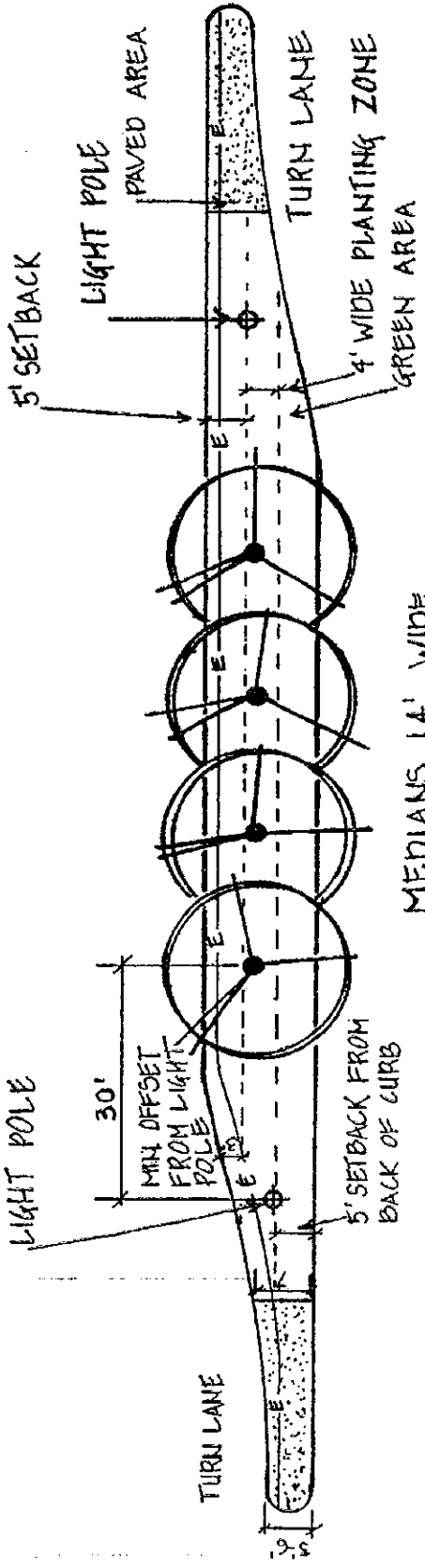
STRAIGHT LINE PLANTING WITH  
LARGE TREES IN CENTER OF MEDIAN



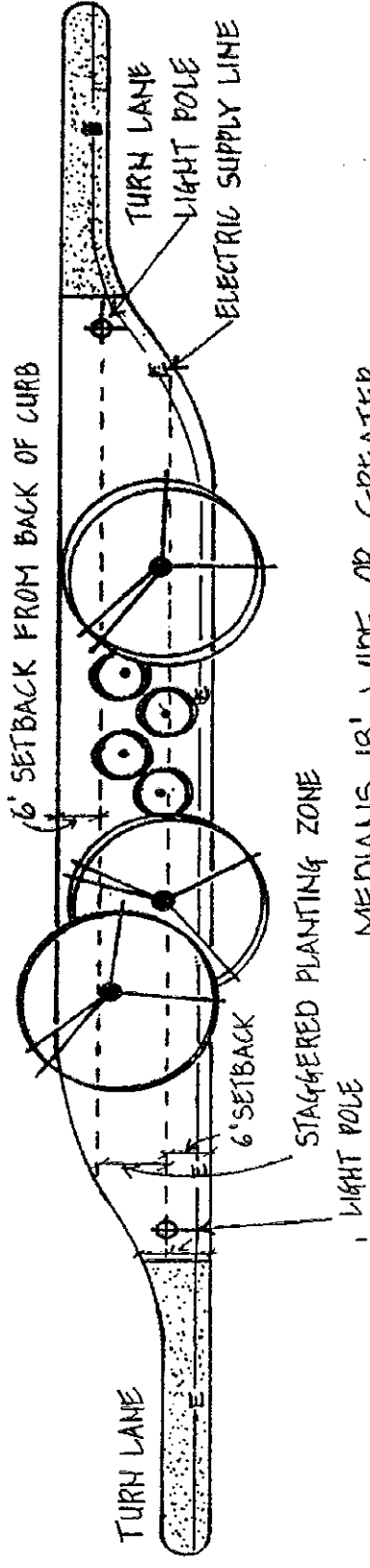
MEDIANS 18' WIDE OR GREATER

STAGGERED PLANTING IS POSSIBLE

SCALE: 1/4" = 1'-0"



MEDIANS 14' WIDE  
 STRAIGHT LINE PLANTING WITH  
 LARGE TREES IN CENTER OF MEDIAN



MEDIANS 18' WIDE OR GREATER  
 STAGGERED PLANTING IS POSSIBLE

SCALE: 1" = 20'