

ORDINANCE NO. 2995

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AGREEMENT TO APPORTION CERTAIN EXTRA-TERRITORIAL JURISDICTION AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF SEAGOVILLE, TEXAS APPORTIONING SAID JURISDICTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

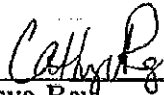
SECTION 1. That the City of Mesquite, Texas for an in consideration of the execution by the City of Seagoville, Texas of the agreement attached hereto does agree to the apportionment of the extra-territorial jurisdiction indicated in said agreement and does hereby authorize the Mayor to execute the attached agreement to implement said apportionment.

SECTION 2. That should any word, phrase, sentence, 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 That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance shall be and are hereby repealed to the extent of such conflict.

SECTION 4. The fact that the apportionment of this extra-territorial jurisdiction is necessary to effect certain boundaries and establish annexation authority to the extra-territorial jurisdiction creates an urgency and an emergency for the protection and preservation of the health, safety and welfare of the citizens of the City of Mesquite and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of October, 1994.




Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

**AGREEMENT TO APPORTION
OVERLAPPING EXTRA-TERRITORIAL JURISDICTION
CITY OF MESQUITE / CITY OF SEAGOVILLE**

WHEREAS, the City of Mesquite, Texas claims certain territory to comprise a portion of its extra-territorial jurisdiction (ETJ) under Chapter 42, Texas Local Government Code; and

WHEREAS, such territory is completely surrounded by land heretofore annexed by the City of Mesquite; and

WHEREAS, such territory or a portion thereof may also be claimed as ETJ of the City of Seagoville, Texas by virtue of its proximity to said town; and

WHEREAS, the City of Mesquite and the City of Seagoville desire to apportion said ETJ as provided in Section 42.901, Texas Local Government Code;

NOW, THEREFORE, the City of Mesquite and the City of Seagoville hereby make and enter into the following agreement:

1. That the proposed common boundary between the City of Mesquite and the City of Seagoville in the area lying south and southeast of the intersection of Lumley and Shannon Roads shall be as follows:
 - a. That the 91 acres (approximate) located in Abstract 150 and shown as Tract 1 on Exhibit A, including all abutting rights-of-way of Shannon Road, shall be apportioned to the City of Mesquite as its sole and undivided ETJ to the exclusion of the City of Seagoville.
 - b. That the 19 acres (approximate) located in Abstract 961 and shown as Tract 2 on Exhibit A, excluding all abutting rights-of-way of Shannon Road, shall be apportioned to the City of Seagoville as its sole and undivided ETJ to the exclusion of the City of Mesquite.
2. That the City of Mesquite and the City of Seagoville may hereafter exercise, at their discretion and desire, their respective annexation powers as set out in the Texas Local Government Code within the ETJ areas apportioned to the jurisdiction.

The Agreement is hereby executed pursuant to an Ordinance of the appropriate governing body authorizing the execution, a copy of said Ordinances to be attached hereto.

CITY OF MESQUITE, TEXAS

Date: 10/3/94

Cathy Ray
Cathy Ray, Mayor

Attest:

Lynn Prugel
Lynn Prugel, City Secretary

CITY OF SEAGOVILLE, TEXAS

Date: 8/4/94

Neal Wesley
Mayor

Attest:

Ruth Lovells
City Secretary



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EXHIBIT A

TRACT 1
91 ACRE TRACT ON SHANNON ROAD / CITY OF MESQUITE ETJ

BEGINNING at a point in the existing city limit line of the City of Mesquite, Texas, established by Ordinance No. 2003, said point being the north corner of the J.R. Bruton Survey, Abstract 150, and the most easterly corner of the J. Moore Survey, Abstract 961;

THENCE, S 45° W along the existing city limit line of the City of Mesquite established by Ordinance No. 2003, also being the southeasterly line of the J. Moore Survey, Abstract 961, a distance of approximately 2823.6 feet to a corner of the existing city limits of the City of Mesquite as established by Ordinance No. 2003, said point being on the centerline of Shannon Road;

THENCE, N 45° W along the existing city limit line of the City of Mesquite established by Ordinance No. 2003 from the centerline of Shannon Road to a point in the northwesterly right-of-way line of Shannon Road;

THENCE, S 45° W along the northwesterly right-of-way line of Shannon Road, being parallel to the southeasterly line of the J. Moore Survey, Abstract 961, a distance of 453.6 feet to a point in the southwesterly right-of-way line of Shannon Road at a curve in the roadway;

THENCE, S 45° E along the southwesterly right-of-way line of Shannon Road, being parallel to the northeasterly line of the J.H. Halford Survey, Abstract 570, a distance of approximately 1,391.1 feet to a point being in the existing city limit line of the City of Mesquite established by Ordinance No. 2122, for a corner;

THENCE, N 44°58'45" E along the existing city limit line of the City of Mesquite established by Ordinance No. 2122 a distance of 2,100.52 feet for a corner;

THENCE, N 39°23'33" W along the existing city limit line of the City of Mesquite established by Ordinance No. 2122 a distance of 361.44 feet for a corner;

THENCE, N 45°56'33" E along the existing city limit line of the City of Mesquite established by Ordinance No. 2122 a distance of 1066.22 feet for a corner;

THENCE, N 45°02'20" along the existing city limit line of the City of Mesquite established by Ordinance No. 2122 a distance of 1027.37 feet to the POINT OF BEGINNING.

EXHIBIT A

TRACT 2

19 ACRE TRACT ON SHANNON ROAD / CITY OF SEAGOVILLE ETJ

BEGINNING at a point in the southeasterly line of the S.A. Haught Survey, Abstract 567, being the most westerly corner of the J. Moore Survey, Abstract 961, and also being in the southeasterly right-of-way line of Shannon Road; and being the intersection of the existing city limit line of the City of Seagoville, Texas, established by Ordinance No. 623-A, and the existing city limit line of the City of Mesquite, Texas, established by Ordinance No. 2003;

THENCE, N 45° E along the southeasterly line of the S.A. Haught Survey Abstract 567, also being the existing city limit line of the City of Mesquite, established by Ordinance No. 2003, and the southeasterly right-of-way of Shannon Road, a distance of approximately 423.6 feet to a corner in the existing city limit line of the City of Mesquite, established by Ordinance No. 2003;

THENCE, S 45° E along the city limit line of the City of Mesquite, established by Ordinance No. 2003, a distance of approximately 2000 feet to a point in the northwesterly right-of-way line of Shannon Road. for a corner;

THENCE, S 45° W along the northwesterly right-of-way line of Shannon Road, being parallel to the northwesterly line of the J.R. Bruton Survey, Abstract 150, a distance of approximately 423.6 feet to a point in the existing city limit line of the City of Seagoville, established by Ordinance No. 623-A, also being a point in the southwesterly line of the J. Moore Survey, Abstract 961, for a corner.;

THENCE, N 45° W along the existing city limit line of the City of Seagoville, established by Ordinance No. 623-A, also being the southwesterly line of the J. Moore Survey, Abstract 961, a distance of approximately 2000 feet, to the **POINT OF BEGINNING**.

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