

ORDINANCE NO. 3294

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RATIFYING AND ADOPTING AN AGREEMENT BETWEEN THE CITY OF MESQUITE AND THE CITY OF DALLAS ADJUSTING THEIR COMMON BOUNDARY LINE THEREBY RELINQUISHING CERTAIN LAND PRESENTLY WITHIN THE CITY LIMITS OF THE CITY OF MESQUITE TO THE CITY OF DALLAS; PROVIDING FOR ADJUSTMENT OF THE CORPORATE LIMITS OF THE CITY OF MESQUITE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to section 43.031 of the Texas Local Government Code, adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, the City of Dallas shares boundaries with the City of Mesquite and has requested the City of Mesquite adjust certain portions of said boundary and relinquish an area to the City of Dallas; and

WHEREAS, pursuant to authorization given by the City Council, the City of Mesquite has entered into an agreement with the City of Dallas adjusting their common boundary; and

WHEREAS, it has been determined and agreed that in order to insure the orderly development of the City of Mesquite, it is in the best interest of the City for such an adjustment to be made.

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

SECTION 1. That the City of Mesquite does hereby ratify and adopt the Boundary Adjustment Agreement between the City of Mesquite and the City of Dallas entered into on the 8th day of April, 1999, and attached hereto as Exhibit "A".

SECTION 2. That the City of Mesquite does hereby relinquish that certain tract of land currently situated within the City of Mesquite, and described in Exhibit "A", to be within the corporate limits of the City of Dallas.

SECTION 3. That upon passage of this ordinance, the affected corporate limits of the City of Mesquite shall be adjusted.

SECTION 4. 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 5. That this ordinance shall take effect immediately upon its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of May, 1999.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

BOUNDARY ADJUSTMENT AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Dallas, Texas, hereinafter referred to as Dallas, and the City of Mesquite, Texas, hereinafter referred to as Mesquite.

WHEREAS, Dallas's boundary is in part contiguous with the boundary of Mesquite; and

WHEREAS, this existing boundary does not presently allow the efficient development and delivery of city services to the area in question; and

WHEREAS, the cities desire to modify their mutual boundary so as to allow more efficient development and delivery of city services to the area; and

WHEREAS, representatives of Dallas and Mesquite have met and agreed on a mutually acceptable boundary which is in the best interest of the citizens of each city;

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions, and promises expressed herein, Dallas and Mesquite agree as follows:

SECTION I. Statement of Intent

It is the intent of Dallas and Mesquite to modify their respective boundaries in the following manner:

Dallas agrees to the inclusion of a tract of land, along with all extraterritorial jurisdiction pertaining thereto, currently located south of Samuell Boulevard and east of Buckner Boulevard in the City of Mesquite into the city limits of the City of Dallas, by boundary adjustment agreement and by future ordinance ratifying that agreement.

To accomplish this objective, Mesquite agrees to release a portion of its city so as to allow Dallas to include the same.

SECTION II. Relinquishment of Territory

Mesquite does hereby grant, relinquish, and apportion unto Dallas the following described property:

BEING all that tract of land out of the David A. Bageley, Abstract No. 65, also out of the Gideon Pemberton Survey, Abstract No. 1154, also out of the Herry J. Webb Survey, Abstract No. 1636, currently situated in the City of Mesquite, Dallas County, Texas per City of Dallas Ordinance No. 8403, being part of that tract conveyed to Buckner Orphans Home by Deed recorded in Volume 334, Page 635, Dallas County Deed Records, and also being part of that 17.199 acre tract conveyed to First Baptist Academy by Deed recorded in Volume 96045, Page 1084, Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a one-half inch iron rod found at the most northerly northwest corner of Eastpoint Business Center Phase 1-A, an addition to the City of Dallas and an addition to the City of Mesquite, Dallas County, Texas as recorded in Volume 87077, Page 2036, Dallas County, Texas, said point being in the south line of Samuell Boulevard (120' R.O.W. at this point);

THENCE North $89^{\circ}26'28''$ West, 570.39 feet to the POINT OF BEGINNING, said point being the northeast corner of said 17.199 acre tract;

THENCE South $01^{\circ}03'24''$ West, 200.01 feet along the east line of said 17.199 acre tract to a point for corner;

THENCE along the current City of Dallas corporate limit line described in Dallas City Ordinance No. 8403 and along a line which is 200 feet south of and parallel to the south line of Samuell Boulevard as follows:

North $89^{\circ}26'28''$ West, 993.52 feet, passing at a distance of 740.91 feet the west line of said 17.199 acre tract to a point for corner;

North $00^{\circ}33'32''$ East, 20.00 feet to a point for corner;

North $89^{\circ}17'07''$ West, 1,023.39 feet to a point for corner;

THENCE North $00^{\circ}41'27''$ East, 200.00 feet along a line 200 feet east of and parallel to Buckner Boulevard (100' R.O.W.) to a point for corner in the south line of Samuell Boulevard (100' R.O.W. at this point);

THENCE along the south line of said Samuell Boulevard as follows;

South $89^{\circ}17'07''$ East, 1022.93 feet to a one-half inch iron rod with cap stamped J&B set for corner;

South $00^{\circ}33'32''$ West, 20.00 feet to a concrete monument found for corner;

South $89^{\circ}26'28''$ East, 995.26 feet, passing at a distance of 254.35 feet the northwest corner of said 17.199 acre tract, to the POINT OF BEGINNING and containing 403,510 square feet or 9.263 acres of land.

SECTION III.
Waiver of Extraterritorial Jurisdiction

Mesquite does hereby waive all of its extraterritorial jurisdiction rights existing by reason of the property described in Section II in favor of Dallas. It is expressly agreed and understood that this waiver shall operate only in favor of Dallas, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, which Mesquite may be able to assert against any other municipality.

SECTION IV.
Service Plan

Upon ratification and adoption of this agreement by the city council of Dallas, Dallas does hereby agree to immediately begin implementation into the affected area of the service plan attached to and made a part of this agreement.

SECTION V.
Effective Date

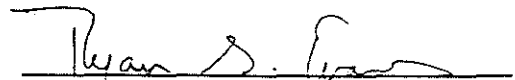
Dallas and Mesquite agree that this agreement shall take effect only upon ratification and adoption by the governing bodies of each city.

SIGNED this the 8th day of April, 1999.

CITY OF MESQUITE, TEXAS


CITY OF DALLAS, TEXAS


City Manager



City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:
ANGELA K. WASHINGTON,
Interim City Attorney



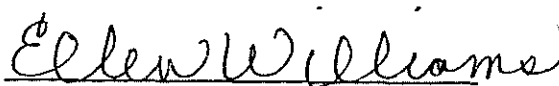
City Attorney

By 

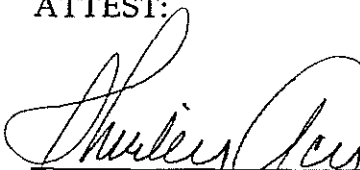
Assistant City Attorney

ATTEST:

ATTEST:



City Secretary



City Secretary

SERVICE PLAN
for
**Buckner Baptist Orphanage and First Baptist Academy Tract
Boundary Adjustment with the City of Mesquite**

As required by Texas Local Government Code Section 43.056, following is the Service Plan for the property described below and also identified on the attached map.

Property Description: As the result of a series of negotiations, the cities of Dallas and Mesquite have agreed to a boundary adjustment covering the following property:

BEING all that tract of land out of the David A. Bageley, Abstract No. 65, also out of the Gideon Pemberton Survey, Abstract No. 1154, also out of the Henry J. Webb Survey, Abstract No. 1636, currently situated in the City of Mesquite, Dallas County, Texas per City of Dallas Ordinance No. 8403, being part of that tract conveyed to Buckner Orphans Home by Deed recorded in Volume 334, Page 635, Dallas County Deed Records, and also being part of that 17.199 acre tract conveyed to First Baptist Academy by Deed recorded in Volume 96045, Page 1084, Dallas County Deed Records, and being more particularly described as follows:

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THENCE North 89°26'28" West, 570.39 feet to the POINT OF BEGINNING, said point being the northeast corner of said 17.199 acre tract;

THENCE South 01°03'24" West, 200.01 feet along the east line of said 17.199 acre tract to a point for corner;

THENCE along the current City of Dallas corporate limit line described in Dallas City Ordinance No. 8403 and along a line which is 200 feet south of and parallel to the south line of Samuell Boulevard as follows:

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North 00°33'32" East, 20.00 feet to a point for corner;

North 89°17'07" West, 1,023.39 feet to a point for corner;

THENCE North 00°41'27" East, 200.00 feet along a line 200 feet east of and parallel to

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Buckner Boulevard (100' R.O.W.) to a point for corner in the south line of Samuell Boulevard (100' R.O.W. at this point);

THENCE along the south line of said Samuell Boulevard as follows;

South 89°17'07" East, 1022.93 feet to a one-half inch iron rod with cap stamped J&B set for corner;

South 00°33'32" West, 20.00 feet to a concrete monument found for corner;

South 89°26'28" East, 995.26 feet, passing at a distance of 254.35 feet the northwest corner of said 17.199 acre tract, to the POINT OF BEGINNING and containing 403,510 square feet or 9.263 acres of land.

Background of Proposed Annexation: The Buckner Baptist Orphanage and the First Baptist Academy located near the intersection of Buckner Boulevard and Samuell Boulevard have requested the City of Dallas to consider a boundary adjustment with the City of Mesquite. The property owners are planning future construction and desire that the property be under the jurisdiction of one municipality.

Schedule of Municipal Services:

A. Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into the annexed area and by response from the Dallas Police Department to individual requests beginning on the effective date of the annexation ordinance.

B. Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment shall be provided to the annexed area upon request beginning on the effective date of the annexation ordinance.

C. Solid Waste Collection

Solid waste collection service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

D. Water Service

1. Water service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

2. Water mains are to be extended to serve individual owners in the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.

3. As development and construction of subdivisions commence within the annexed area, water mains are to be extended with City participation in the costs of these extensions in accordance with City of Dallas ordinances, resolutions, and regulations.

E. Sanitary Sewer Service

1. Wastewater service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

2. Sanitary sewer mains are to be extended to serve individual owners in the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.

3. As development and construction of subdivisions commence within the annexed area, sanitary sewer mains are to be extended with City participation in the costs of these extensions in accordance with City of Dallas ordinances, resolutions, and regulations.

F. Maintenance of Roads and Streets

1. Street maintenance and other street services are to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

2. As streets are constructed in undeveloped portions of the annexed areas, the City is to participate in the cost of construction, acceptance upon completion, maintenance, and other services in accordance with City of Dallas ordinances, resolutions, and regulations.

G. Parks and Recreation

All of the City of Dallas parks and recreation facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

H. Library Service

All of the City of Dallas library facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

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- I. Street Lighting
The City of Dallas is to provide for the placement of street lights in accordance with practices in all other areas of the city.
- J. Traffic Engineering
Necessary traffic studies are to be performed to determine the need for installation of street identification signs and proper traffic control devices within the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.
- K. Planning and Zoning.
The planning and zoning jurisdiction, including the subdivision platting process, of the City of Dallas extend to the annexed area.
- L. Storm Drainage (including flood plain regulations)
Studies are to be conducted to ascertain the limits of the 100-year floodplain in order to place the zoning flood plain prefix on any appropriate areas.
- M. Capital Improvements
Dallas will initiate the acquisition or construction of capital improvements necessary for providing services adequate to serve the area annexed within two years after the effective date of the annexation ordinance. Any necessary capital improvements will be substantially completed within 4 1/2 years after the effective date of the annexation ordinance.
- N. Miscellaneous
General municipal administrative and code enforcement services of the City of Dallas will be provided to residents of the annexed area, beginning on the effective date of the annexation ordinance.

This Service Plan, for the annexation of property to the City of Dallas, has been prepared by the Department of Planning and Development of the City of Dallas, with assistance from other city departments, in conformance with the requirements of Texas Local Government Code Section 43.056 and the Dallas City Charter.

Prepared this 16th day of March 1999.