

ORDINANCE NO. 3715

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO THE RELEASE OF THE CITY OF MESQUITE'S EXTRATERRITORIAL JURISDICTION BY APPROXIMATELY 2,026 ACRES IN A PORTION OF KAUFMAN COUNTY; AUTHORIZING THE PROVIDING OF WRITTEN NOTICE TO THE CITY OF CRANDALL, TEXAS, OF THE SAME; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE REDUCTION IN THE CITY OF MESQUITE'S EXTRATERRITORIAL JURISDICTION.

WHEREAS, the City of Mesquite's ("Mesquite") Extraterritorial Jurisdiction ("ETJ") extends into Kaufman County; and

WHEREAS, Navo Denton, Inc., is the general partner of 2219 Kaufman Partners, L.P. ("Owner"), a Texas limited partnership, which owns certain property comprised of various tracts, hereinafter referred to as the Navo 600 Property, the Navo 820 Property and the Remaining Navo Property (collectively, the "Property"), which Property is located in Kaufman County; and

WHEREAS, the Property is contiguous to the existing ETJ of the City of Crandall ("Crandall"); and

WHEREAS, a portion (484.081 acres) of the Navo 600 Property is within the ETJ of Mesquite, a portion (125.839 acres) is within the ETJ of Crandall, and a portion is within Kaufman County and not within the ETJ of any municipality. All of the Navo 820 Property and all of the Remaining Navo Property are within the existing ETJ of Mesquite; and

WHEREAS, the Owner represents that it acquired the Property for long-term appreciation with the intention that it be developed as a master-planned community and believes that such development can best be achieved if it occurs wholly within the ETJ of Crandall; and

WHEREAS, pursuant to Texas Local Government Code, Section 42.022(b) and (c), the Owner has petitioned Crandall and requested to have all of the Property included within the ETJ of Crandall, with the exception of that portion of the Property which Mesquite desires to retain of the Remaining Navo Property adjacent to Interstate 20 for commercial development (the "Commercial Tract"); and

WHEREAS, the Owner requested that Mesquite consent to the reduction of its ETJ in order that the Property may be included within Crandall's ETJ; and

WHEREAS, the City Council of the City of Mesquite ("City Council") consents to the reduction of Mesquite's ETJ upon the occurrence of the following conditions precedent ("Conditions Precedent"): (a) exclusion of the Commercial Tract from Kingsborough Municipal Utility District No. 4 and (b) the execution of an agreement between the Owner and Mesquite

wherein the Owner agrees to pay Mesquite a certain amount of money to be used by Mesquite to conduct planning, modeling or other economic development studies (the "Payment Agreement"); and

WHEREAS, the City Council finds that the Conditions Precedent have been met.

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

SECTION 1. That the above recitals are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. That upon receipt of all funds required to be paid in accordance with the Payment Agreement, the City Manager shall provide Crandall with a certified copy of this ordinance as passed and duly approved by the City Council.

SECTION 3. That the reduction in Mesquite's ETJ, as shown on Exhibit "A" attached hereto, save and except the Commercial Tract of approximately 152 acres as shown on Exhibit "B" attached hereto, shall become effective immediately, and without any further action by Mesquite, upon the receipt of payment by the City of Mesquite in accordance with the Payment Agreement and the subsequent adoption of the City Council of the City of Crandall of an ordinance or resolution accepting the released ETJ.

SECTION 4. That, if necessary, the boundaries of the Commercial Tract as shown in Exhibit "B" shall be adjusted so that:

- (a) No portion of the City of Mesquite's ETJ south of the southerly right-of-way line of Interstate 20 is reduced to less than 1,020 feet in width; and
- (b) Boundary T7 – C6 is coterminous with the southeasterly right-of-way line of FM 741.

SECTION 5. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 6. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect:

- (a) Upon the receipt of payment by the City of Mesquite in accordance with the Payment Agreement; and

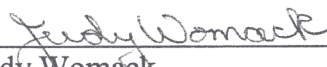
- (b) Upon the subsequent adoption of an ordinance or resolution by the City Council of the City of Crandall accepting the released ETJ.

Provided that if on or before March 31, 2005, payment is not made or the City of Crandall does not adopt an ordinance or resolution accepting the released ETJ, then this ordinance shall immediately expire without further action by the City Council and the consent to reduce the City of Mesquite's ETJ shall be of no force or effect.

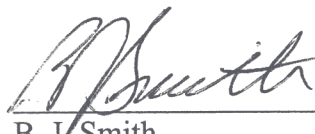
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of February, 2005.

  
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Mike Anderson  
Mayor

ATTEST:

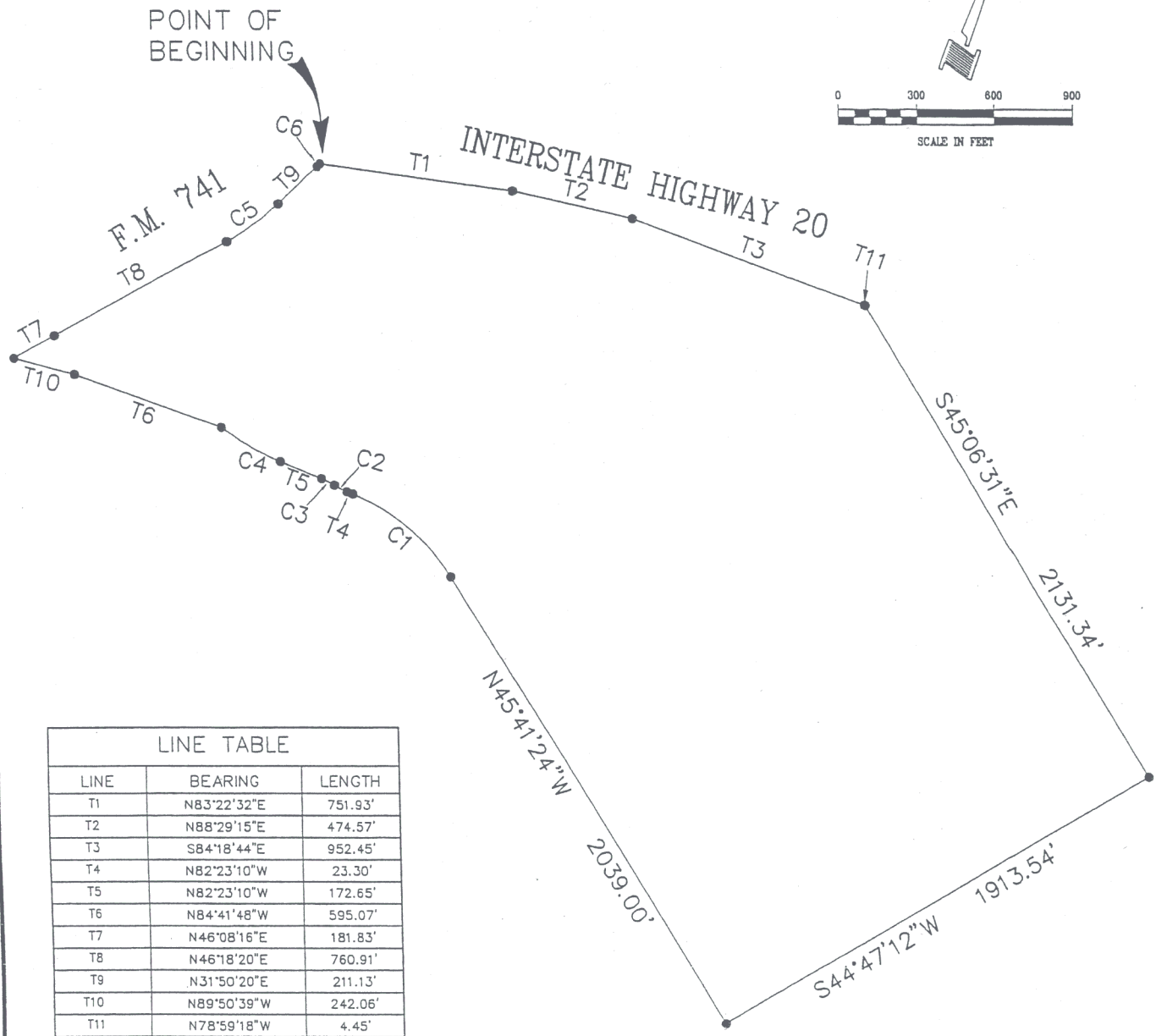
  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney



NOTE: Basis of bearing derived from Texas State Plane Coordinates (NAD83), North Central Zone



LINE	BEARING	LENGTH
T1	N83°22'32"E	751.93'
T2	N88°29'15"E	474.57'
T3	S84°18'44"E	952.45'
T4	N82°23'10"W	23.30'
T5	N82°23'10"W	172.65'
T6	N84°41'48"W	595.07'
T7	N46°08'16"E	181.83'
T8	N46°18'20"E	760.91'
T9	N31°50'20"E	211.13'
T10	N89°50'39"W	242.06'
T11	N78°59'18"W	4.45'

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	36°41'46"	790.00'	262.00'	505.97'	N64°02'17"W 497.37'
C2	10°28'31"	300.00'	27.50'	54.85'	N77°08'55"W 54.77'
C3	10°28'31"	300.00'	27.50'	54.85'	N77°08'55"W 54.77'
C4	15°54'22"	950.00'	132.72'	263.73'	N74°25'59"W 262.89'
C5	14°28'00"	999.93'	126.91'	252.47'	N39°04'20"E 251.80'
C6	0°59'08"	909.93'	7.83'	15.65'	N32°19'54"E 15.65'

KINGSBOROUGH  
MUD NO. 4  
EXCLUSION TRACT

ETJ BOUNDARY EXHIBIT

6,629,668 SQUARE FEET OR 152.196 ACRES  
MARTHA MUSICK SURVEY, ABSTRACT NO. 312  
JOHN MOORE SURVEY, ABSTRACT NO. 309  
KAUFMAN COUNTY, TEXAS

**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093  
Phone 972-931-0694 Fax 972-931-9538

TRUE AND CORRECT COPY OF ORIGINAL RECORD FILED IN KAUFMAN COUNTY, TEXAS  
LAURA HUGHES, COUNTY CLERK  
AMW

