

ORDINANCE NO. 3756

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO THE RELEASE OF APPROXIMATELY 63 ACRES OF THE CITY OF MESQUITE'S EXTRATERRITORIAL JURISDICTION LOCATED IN KAUFMAN COUNTY; PROVIDING THAT A CERTIFIED COPY OF THIS ORDINANCE BE SENT TO THE CITY OF FORNEY, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE DEPENDENT UPON ACTION OF FORNEY PRIOR TO DECEMBER 31, 2005, FOR THE RELEASE OF AND REDUCTION IN THE CITY OF MESQUITE'S EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EXPIRATION DATE .

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

WHEREAS, Goodman Land Advisors ("Developer") has under contract a 157± acre tract ("Tract") owned by the McKeller family located on FM1641 for the purpose of developing such Tract, which Tract is located in Kaufman County; and

WHEREAS, all but 44 acres of such Tract ("Remainder"), shown on the map attached as Exhibit "A," is currently within the ETJ of the City of Forney ("Forney"), and the Remainder is currently within the ETJ of the City of Mesquite; and

WHEREAS, the Remainder is contiguous to the existing ETJ of Forney; and

WHEREAS, the Developer has requested that Mesquite consent to a reduction in its ETJ and relinquish the Remainder to Forney for the purpose of providing a single set of zoning and development regulations for the entire Tract; and

WHEREAS, the Developer has petitioned Forney to accept the Remainder into its ETJ and has additionally submitted a request for annexation of the entire Tract by Forney upon the release of the Remainder from Mesquite's ETJ; and

WHEREAS, Forney has adopted Resolution No. 05-14 expressing its intent to accept the Remainder into its ETJ once released by Mesquite, and further, to commence a case to annex the entire Tract, inclusive of the Remainder, and permanently zone the Tract in accordance with the Comprehensive Zoning Ordinance of the City of Forney; and

WHEREAS, the ETJ boundaries for Mesquite and Forney in and around the Remainder are uncertain or confusing, and in order to promote orderly planning and subdivision control within the ETJ of the respective cities, Mesquite deems it advisable, as a condition to release of the Remainder, to further reduce its ETJ by approximately 19 acres to include other areas

adjacent to the Remainder ("Supplemental Lands"), shown on Exhibit "A," and for Forney to accept the Supplemental Lands into its ETJ and exercise control over the same.

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 the boundaries of the ETJ of the City of Mesquite shall be reduced by releasing from its ETJ the areas shown on Exhibit "A," attached hereto, and such areas shall consist of:

- (a) The area identified as the Remainder consisting of approximately 44 acres; and
- (b) The areas identified as the Supplemental Lands consisting of approximately 19 acres and further described as:
 - i. That portion of the Mesquite ETJ north of Point B and lying between, and adjacent to, the northeast plat boundary of Hunters Glen Estates and the northwest plat boundary of Talty Estates; and
 - ii. All of the Mesquite ETJ that lies northeast of FM1641 on the effective date of this ordinance.

SECTION 3. That the release and reduction of the ETJ shall become effective immediately, without any further action by Mesquite, upon the adoption by the City Council of the City of Forney of an ordinance accepting the entirety of the released ETJ, including the Remainder and the Supplemental Lands.

SECTION 4. That the City Manager of the City of Mesquite shall, as soon as practicable after passage, provide Forney with a certified copy of this ordinance.

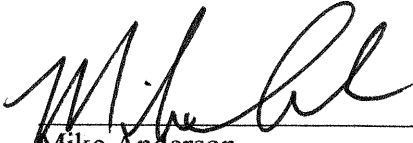
SECTION 5. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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 upon adoption by the City of Forney of an ordinance accepting the entirety of the released ETJ. Provided, however, if the City of Forney does not adopt an ordinance accepting the released ETJ on or before December 31, 2005, this ordinance shall immediately expire without necessity of further action by the City

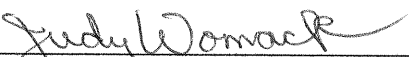
Council and the consent to release and reduce the City of Mesquite's ETJ, contained herein, shall be of no force or effect.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of September, 2005.




Mike Anderson
Mayor

ATTEST:

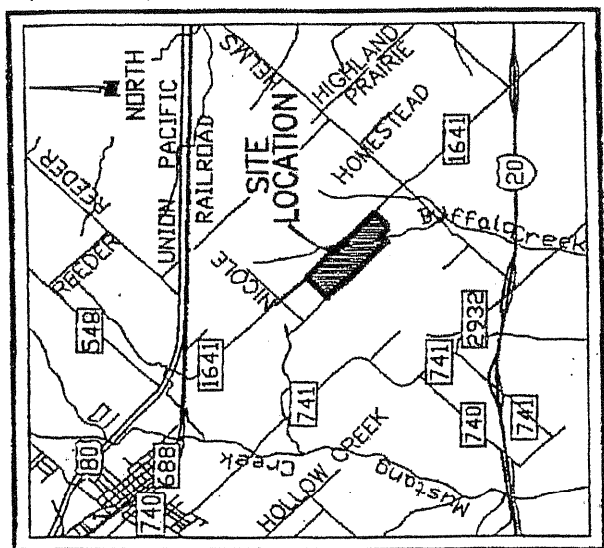


Judy Womack
City Secretary

APPROVED:

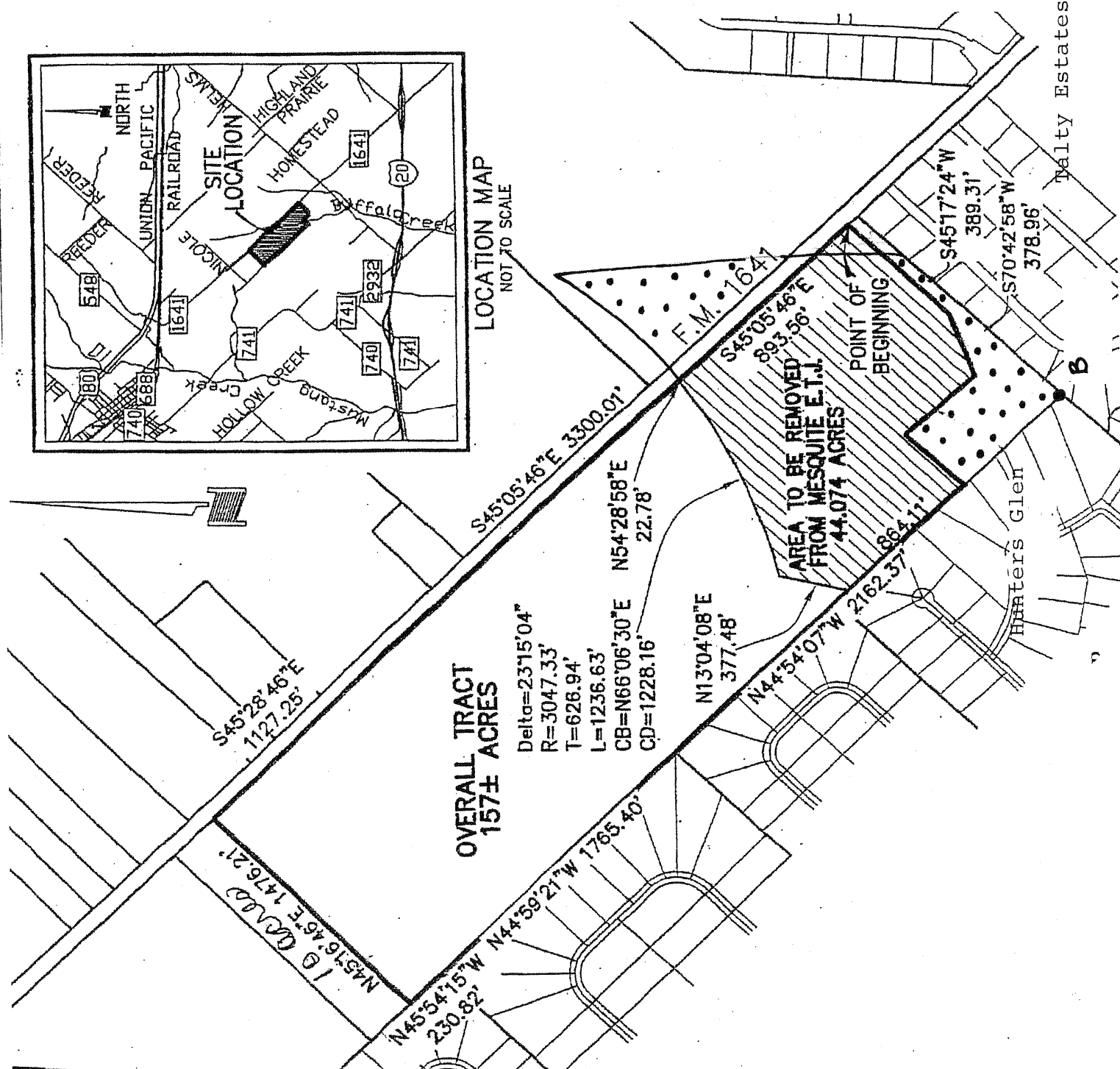


B. J. Smith
City Attorney



LOCATION MAP
NOT TO SCALE

////// Remainder
 ••••• Supplemental Lands



OVERALL TRACT
157± ACRES

Delta=23°15'04"
 R=3047.33'
 T=628.94'
 L=1236.63'
 CB=N66°06'30"E N54°28'58"E
 CD=1228.16' 22.78'

AREA TO BE REMOVED
FROM MESQUITE E.T.J.
44.074 ACRES

POINT OF
BEGINNING

Hartley's Glen
 Talley Estates

S45°28'46"E
1127.28'

N45°54'15"W 230.82'
 N44°59'21"W 1765.40'

S45°05'46"E 3300.01'

N13°04'08"E
377.48'

N44°54'07"W 2162.37'
 S86°41'11"

S45°05'46"E
893.56'

S45°17'24"W 389.31'
 S70°42'58"W 378.96'

B

F.M. 1647