

ORDINANCE NO. 3815

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING APPROXIMATELY 2.2 SQUARE MILES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, GENERALLY LOCATED SOUTHEAST OF THE EXISTING CITY LIMITS ALONGSIDE INTERSTATE HIGHWAY 20 FROM THE EAST FORK OF THE TRINITY RIVER TO MUSTANG CREEK ON THE EAST, AND BETWEEN COUNTY ROAD 200 ON THE NORTH AND APPROXIMATELY TO THE INTERSECTION OF FARM AND MARKET ROAD 2757 AND KELLY ROAD TO THE SOUTH THUS EXTENDING THE BOUNDARY LIMITS OF SAID CITY OF MESQUITE, DALLAS COUNTY, TEXAS, TO INCLUDE SAID LAND WITHIN THE CITY LIMITS AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF ALL OTHER CITIZENS AND MAKING APPLICABLE TO SAID LAND AND ITS INHABITANTS ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; ADOPTING A SERVICE PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite (the "City") has heretofore adopted a Home Rule Charter authorizing it to annex territory and extend the corporate limits of the City; and

WHEREAS, the property described in the attached Exhibit "A" is land contiguous to the City and is within the extraterritorial jurisdiction of the City, and the City Council of the City has concluded that the area should be annexed and made a part of the City; and

WHEREAS, the annexation of the described area is authorized pursuant Chapter 43 of the Texas Local Government Code and to procedures prescribed in Chapter 43, subchapter C-1 of the Texas Local Government Code; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the Charter of the City of Mesquite, Texas, and the laws of this state have been duly followed with respect to the annexation of the described area.

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

SECTION 1. That the property described in Exhibit "A," attached hereto and made a part of this ordinance for all purposes, is hereby annexed for all municipal purposes to the City of Mesquite, Dallas County, Texas, and the boundary limits of the City of Mesquite be and are hereby extended to include the territory described in Exhibit "A" within the city limits of the City of Mesquite, and the same shall hereafter be included within the territorial limits of said City and residents of the area shall have the rights and privileges of all other citizens of the City and all City of Mesquite ordinances, resolutions, acts and regulations shall be applicable to the described territory and binding on its inhabitants.

SECTION 2. That the territory annexed shall include the full width of the right-of-way of Interstate Highway 20, Farm and Market Road 740, and Farm and Market Road 2757 wherever other property included in this annexation abuts either side of said highways and roads. However, no portion of the right-of-way of County Road 200 shall be included in this annexation.

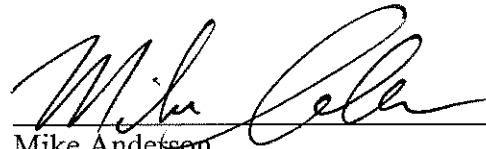
SECTION 3. That a service plan for the area is adopted and attached hereto as Exhibit "B."

SECTION 4. That should any portion of the territory described in Exhibit "A" not be subject to legal annexation by the City of Mesquite, such fact shall not prevent the City from annexing such territory which is subject to legal annexation by the City, and it is the intention of the City of Mesquite to annex only such territory as may be legally annexed by it within the limits of the area.

SECTION 5. That the City Secretary is hereby directed to file with the County Clerk of Dallas, Texas, and the County Clerk of Kaufman, Texas, a certified copy of this ordinance.

SECTION 6. That this ordinance shall take effect immediately from and after its passage.

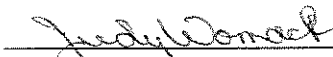
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of August, 2006.



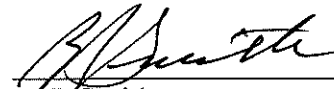
Mike Anderson
Mayor

ATTEST:

APPROVED:

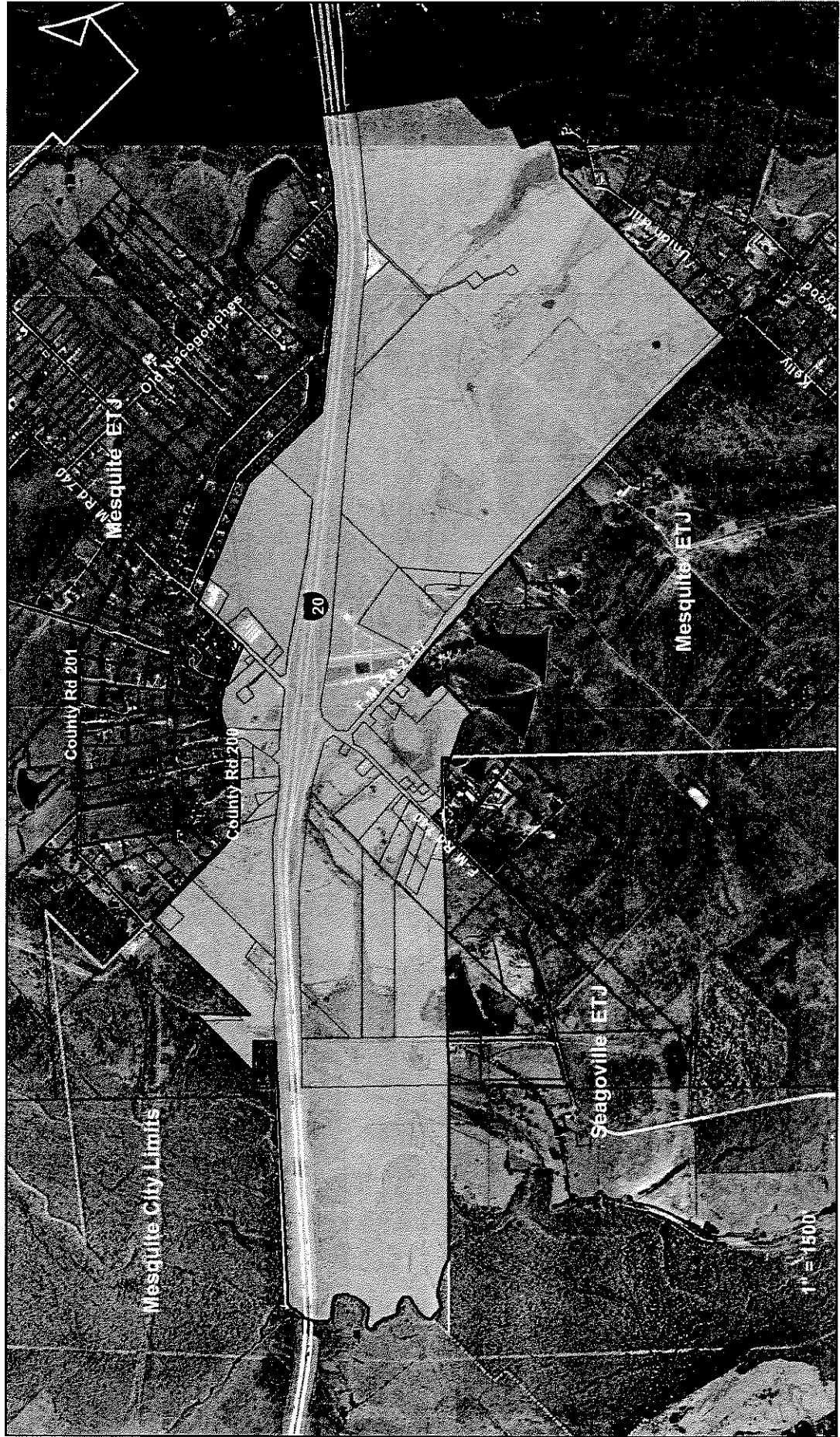


Judy Womack
City Secretary







B. J. Smith
City Attorney

Exhibit A



IH-20 is included in the area to be annexed

Legend

-  Proposed Annexation
-  Mesquite ETJ
-  Kaufman County Parcels
-  Mesquite City Limit



Map Produced on 8/16/06



SERVICE PLAN FOR THE EXTENSION OF FULL MUNICIPAL SERVICES

This Service Plan outlines the City of Mesquite's obligation to provide for the extension of full municipal services to the area or areas described in Exhibit "A." The Service Plan is issued pursuant to LGC §43.065.

I. **Provision of Core Services**

Upon the effective date of annexation, the City shall provide the following services at a level that is comparable to the level of services and infrastructure maintenance currently available in other parts of the municipality with similar topography, land use and population density. (*Denotes current service provider*)¹

- a. Police protection (*Kaufman County Sheriff's/Constable's Office*) — The Mesquite Police Department will extend regular and routine patrols to the area.
- b. Fire protection and emergency medical services (*Forney Volunteer Fire Department, Fire District No. 6*) — Primary structural and grass fire response and EMS will be provided from Mesquite Fire Station No. 7. The Fire Marshall will provide fire prevention services.
- c. Solid waste collection (*various private contractors*) — The City will furnish collection services, either by City personnel or by contract, except to households or businesses that continue after annexation to use the services of a privately owned solid waste management service. After two years, collection services shall be provided in accordance with applicable ordinances.
- d. Water and wastewater services (*Markout Water Supply District; private systems*) — The City will provide maintenance of water and wastewater facilities to the extent that such services are not within the service area of another water or wastewater utility. The City will amend its wastewater Certificate of Convenience and Necessity to include the area to be annexed. [No maintenance is anticipated.]
- e. Street maintenance (*State of Texas, Kaufman County*), including extant traffic control devices and street lighting — For any public roads and streets not within Federal, State or County jurisdiction, the City will provide routine road maintenance and supply additional traffic control devices that meet applicable standards. The City will coordinate street lighting requests with the local electric provider in accordance with established policies. [No maintenance is anticipated. All roads and streets are under the jurisdiction of other public entities. County Road 200, i.e. Wiser Road, is not included in the area to be annexed.]

¹ The proposed annexation is exempt from the 3-year annexation plan requirement. The City is not required to complete an inventory of services and facilities under LGC §43.053.

II. **Provision of Community Services**

Upon the effective date of annexation, the City shall extend the following community services to the area:

- a. Planning and zoning — Regulation of land use and development through administration of the Comprehensive Plan, the Mesquite Zoning Ordinance and Subdivision Ordinance.
- b. Building inspection — Enforcement and permitting as required by all applicable construction codes.
- c. Environmental code enforcement — Enforcement and abatement of public nuisances as defined in applicable ordinances.
- d. Health and sanitation enforcement — Inspection and permitting of all food service establishments as defined in applicable ordinances.
- e. Animal control services — Enforcement of applicable animal control ordinances, including the investigation of suspected animal bites and impoundment of vicious animals.
- f. Library services — Residents of the area shall receive normal and customary privileges for using the Mesquite Public Library system.
- g. Parks and recreation — Residents of the area shall receive normal and customary privileges for using the City park system, pools and recreation centers.
- h. Housing — Households meeting the City's established income qualifications and criteria shall be eligible for housing assistance and housing rehabilitation loans.

III. **Extension of Infrastructure to Existing Development**

After the effective date of annexation, the City shall initiate the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the area annexed. Adequacy shall be determined according to the City's ordinances, demand-based rules, regulations and policies for the expansion and extension of infrastructure in other areas of the municipality with similar topography, land use and population density. In areas where improvements are required, such infrastructure shall be provided within 4½ years after the effective date of annexation.

[No improvements are anticipated.]

IV. **Responsibility for Infrastructure to New Development**

As property in the area develops, the City or the developer shall extend water, sanitary sewer and storm water facilities in accordance with established ordinances and policies. Once constructed, the City shall maintain improvements that are dedicated to public use.