

ORDINANCE NO. 3999

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT NO CHANGES TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES ARE NEEDED FOR THE 2008 UPDATE OF THE IMPACT FEE PROGRAM; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, Texas Local Government Code, Chapter 395, authorizes impact fees for roadway facilities; and

WHEREAS, on September 16, 1996, with the passage of Ordinance No. 3111 and an effective date of March 1, 1997, the City of Mesquite ("City") adopted impact fees; and

WHEREAS, the City has appointed a Capital Improvements Advisory Committee ("Advisory Committee") to advise the City Council concerning the need for adoption of land use assumptions, the capital improvements plan and impact fees and for amendment or revision of same; and

WHEREAS, Texas Local Government Code Section 395.052 requires a mandatory five-year update to impact fees; and

WHEREAS, the Mesquite Impact Fee Program was last updated and approved by the City Council on November 3, 2003; and

WHEREAS, Texas Local Government Code, Section 395.0575 provides that as an alternative to the updating requirements of Section 395.052 the governing body may determine that no changes are necessary to the land use assumptions, capital improvements plan or impact fees; and

WHEREAS, on October 13, 2008, the Advisory Committee took action to recommend to the City Council that no changes to the land use assumptions, capital improvements plan or impact fees for the 2008 Update of the Impact Fee Program ("2008 Update") are necessary within the transportation service areas shown in the Exhibit "A" attached hereto; and

WHEREAS, the report of the Advisory Committee regarding the 2008 Update was filed in the office of the City Secretary on October 15, 2008, as required by law.

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

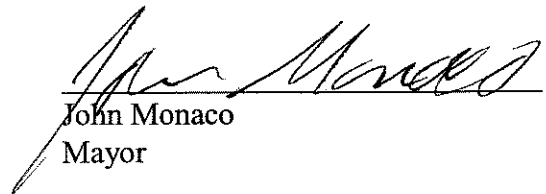
SECTION 1. That no changes to the land use assumptions, capital improvements plan or impact fees are needed for the 2008 Update of the Impact Fee Program within the transportation service areas shown in the Exhibit "A" attached hereto.

SECTION 2. That the Director of Community Development shall mail and publish notice of this determination that no changes are needed to all parties as required by law.

SECTION 3. 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.

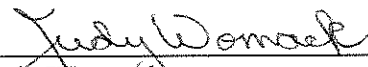
SECTION 4. That should any paragraph, sentence, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of the City of Mesquite as a whole.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of October, 2008.




John Monaco
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

Mesquite, Texas Impact Fee Service Areas

