



201000218931

ORD 1/12

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0

ORDINANCE NO. 4100

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING APPROXIMATELY 1.25 SQUARE MILES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, GENERALLY LOCATED EAST OF THE EXISTING CITY LIMITS ALONGSIDE INTERSTATE HIGHWAY 20 FROM MUSTANG CREEK TO FARM AND MARKET ROAD 2932 AND GRIFFIN LANE ON THE EAST, AND BETWEEN INTERSTATE HIGHWAY 20 ON THE NORTH AND AN EAST-WEST LINE ALIGNED APPROXIMATELY WITH BLAKEHILL DRIVE 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; DESIGNATING ALL TERRITORY THUS ANNEXED TO BE ZONED AGRICULTURAL; PERMITTING THE POSSESSION, STORAGE, SALE AND HANDLING OF FIREWORKS THROUGH JULY 4, 2011, ON CERTAIN PROPERTIES ANNEXED; EXCLUDING FROM ANNEXATION THOSE PROPERTIES SUBJECT TO A DEVELOPMENT AGREEMENT AUTHORIZED PURSUANT TO SECTION 43.035 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

COUNTY CLERK'S MEMO
PORTIONS OF THIS
DOCUMENT NOT
REPRODUCIBLE
WHEN RECORDED

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 to 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 City has offered the option of entering into a development agreement to the owners of all properties appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter of the Tax Code, pursuant to Section 43.035 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 741, and Farm and Market Road 2932 wherever other property included in this annexation abuts either side of said highways and roads. However, no portion of the right-of-way of Griffin Lane shall be included in this annexation.

SECTION 3. That the territory annexed shall include the 10-foot pass-through area more particularly described in Exhibits "A-1," "B" and "C" for which the owner thereof has consented to such annexation in the Heartland Town Center Development Agreement dated June 23, 2010, and recorded at Volume 3797, Page 94 in the records of Kaufman County. Provided, that should any portion of the pass-through area be determined to fall outside the extraterritorial jurisdiction of the City of Mesquite, the description of such pass-through area shall be adjusted as may be necessary to ensure that the entirety of the pass-through area lies within the City's extraterritorial jurisdiction and is therefore included in the territory annexed.

SECTION 4. That a service plan for the area is adopted and attached hereto as Exhibit "D."

SECTION 5. That the territory annexed shall be zoned to the AG-Agricultural district immediately upon annexation into the City of Mesquite, and all of such territory shall be subject to application of the Kaufman-Interstate 20 zoning district as provided in Section 4-1100 of the Mesquite Zoning Ordinance.

SECTION 6. That in the territory annexed the possession, storage, sale and handling of fireworks shall be permitted through July 4, 2011, at such locations where the possession, storage, sale and handling of fireworks were occurring prior to annexation. After July 4, 2011, the possession, storage, sale and handling of fireworks shall be prohibited. Provided, however, this Section does not permit the use or discharge of fireworks which shall be prohibited in the territory annexed in accordance with Section 6-6(13) of the Code of the City of Mesquite.

SECTION 7. That it is not the intention of the City of Mesquite to annex any portion of a municipal utility district, water control and improvement district or fresh water supply district created under Article III, Section 52, Subsection (b)(1) and (2) or under Article

XVI, Section 59 of the Texas Constitution and existing on the effective date of annexation, and any portion of the territory described in Exhibit "A" which lies in any such district shall be excluded from annexation.

SECTION 8. That the properties described within the development agreements enumerated in Exhibit "E," if appraised on the effective date of this ordinance for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter of the Tax Code, are hereby excluded from the territory annexed pursuant to Section 43.035 of the Texas Local Government Code, and the future use, development and disposition of such properties shall be governed according to the terms, conditions and covenants of said agreements. Provided, further, that an area adjacent or contiguous to any property that is the subject of a development agreement shall be considered adjacent or contiguous to the City of Mesquite.

SECTION 9. 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 10. 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 11. That this ordinance shall take effect immediately from and after its passage.

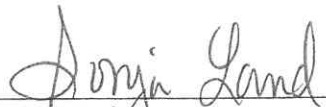
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of August, 2010.



John Monaco
Mayor

ATTEST:

APPROVED:







Sonja Land
City Secretary



B. J. Smith
City Attorney



Legend

-  10-Ft Pass Through Annexation
-  ETJ Boundary
-  Territory Annexed
-  Parcels

1" = 1,000 ft



Annexation of 61.24 square miles



Forney ETJ

EXIT 490

10-Ft Pass Through Annexation

Heartland Town Center
146.73 Acres
Development agreement dated 6-23-2010
Recorded at Volume 3797, Page 94
in Kaufman County, Texas



Legend

- 10-Ft Pass Through Annexation
- ETJ Boundary
- Territory Annexed
- Parcels

1" = 200' ft

INTERSTATE 20

EXIT 490

FM 140

Crandall ETJ

HEARTLAND

ABBAY

LOGAN

CLEAR

6200

SERENE

Area Annexation of 1,124 square miles

LEGAL DESCRIPTION

0.48 ACRES

BEING a tract of land located in the MARTHA MUSICK SURVEY, ABSTRACT NO. 312, Kaufman County, Texas, and being a portion of a tract of land conveyed to 269 Kaufman Partners, L.P., recorded in Volume 2709, Page 267, Deed Records, Kaufman County, Texas, as Tract (2), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "PATE ENGRS" found in the South line of Interstate Highway 20 at the most Northeasterly corner of said Tract 2;

THENCE South 45 degrees 06 minutes 31 seconds East, with the Southwesterly lines of that tract of land conveyed to Austin W. Shipley, according to the document filed in Volume 270, Page 221, Deed Records, Kaufman County, Texas, for a distance of 17.94 feet to a point in said line for a corner of this tract;

THENCE in a Westerly direction over and across said tract the following (4) courses and distances:

North 78 degrees 59 minutes 18 seconds West, a distance of 18.88 feet to a point for a corner;

North 84 degrees 18 minutes 44 seconds West, a distance of 951.36 feet to a point for a corner;

South 88 degrees 29 minutes 15 seconds West, a distance of 473.49 feet to a point for a corner;

South 83 degrees 22 minutes 32 seconds West, a distance of 675.50 feet to a point for a corner in the Easterly line of that tract of land conveyed to Heartland 600 Development Land, L.P., according to the document filed of record in Volume 2658, Page 510 Deed Records of Kaufman County, Texas;

THENCE North 15 degrees 11 minutes 15 seconds West, with said Easterly line, a distance of 10.77 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner in the South line of Interstate Highway No. 20, a variable width right-of-way;

THENCE in a Easterly direction, with said South line, the following four (4) courses and distances:

North 83 degrees 22 minutes 32 seconds East, a distance of 671.95 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "PATE ENGRS" found for corner;

North 88 degrees 29 minutes 15 seconds East, a distance of 474.57 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "PATE ENGRS" found for corner;

South 84 degrees 18 minutes 44 seconds East, a distance of 952.45 feet to a broken concrete right-of-way monument found for corner;

South 78 degrees 59 minutes 18 seconds East, a distance of 4.45 feet to the POINT OF BEGINNING and containing or 0.48 acres of land, more or less.

**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

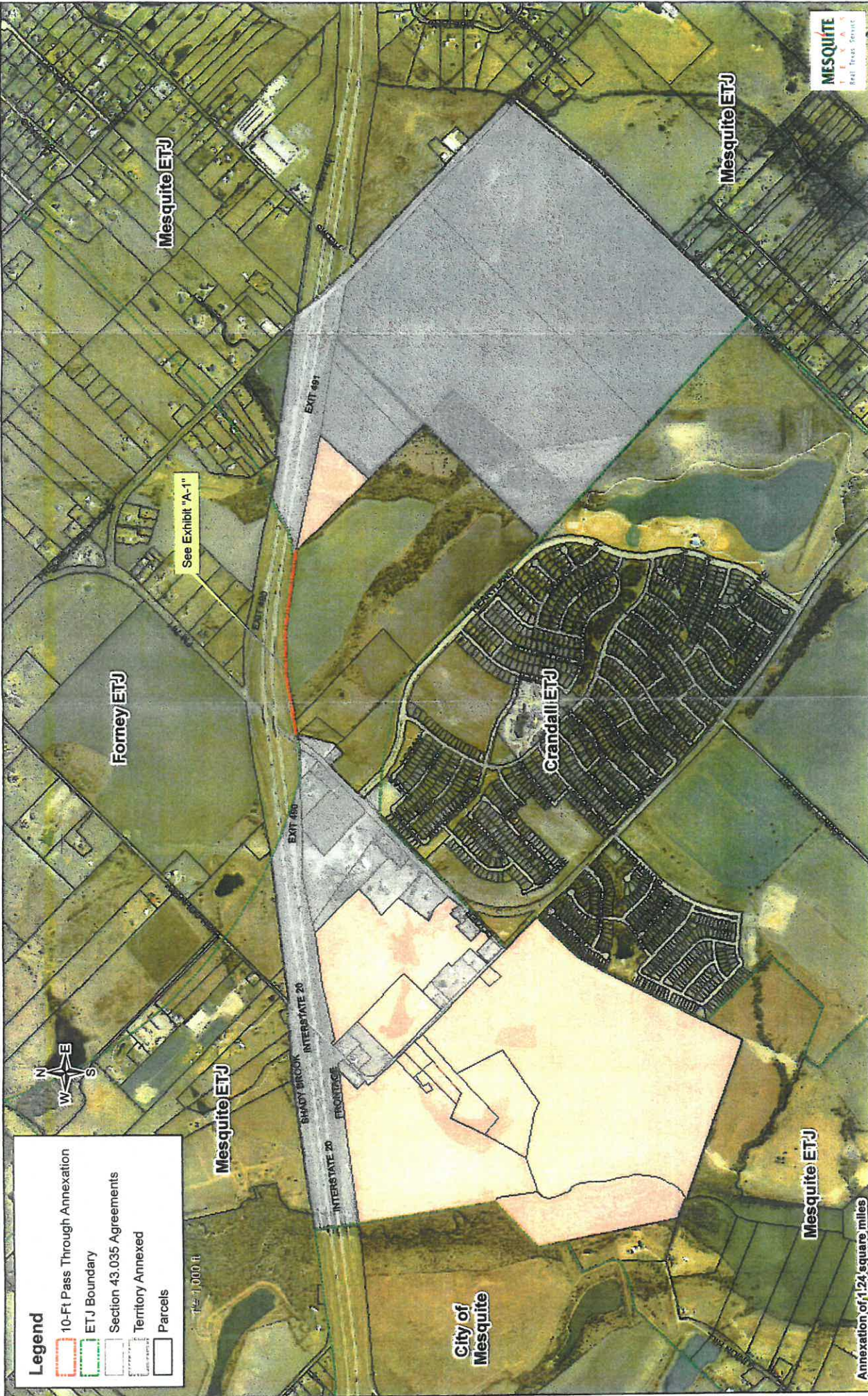
Upon the effective date of annexation, the City shall provide the following services at a level that is comparable to the level of services and infrastructure maintenance currently available in other parts of the municipality with similar topography, land use and population density. (*Denotes current 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 Fire Department, Crandall Fire Department, and Kaufman County Emergency Services District Nos. 6 and 7*) — Primary structural and grass fire response and EMS will be provided from Mesquite Fire Station No. 7 or through mutual aid agreements with other entities. 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 to those requesting service.
- d. Water and wastewater services (*Markout Water Supply District, Talty Water Supply District, private systems*) — The City will provide maintenance of water and wastewater public 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.

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.

**SECTION 43.035
DEVELOPMENT AGREEMENTS
AUGUST 16, 2010**

Tax Parcel ID	Owner(s) <i>Comments</i>	Term of Agreement	Exhibit
9544	Gordon, Charles S. & Patricia	15 years	E-1
9563	Dozier, James S.	15 years	E-1
184930	Wallace, Lisa A.	15 years	E-1
184931	Wallace, Lisa A.	15 years	E-1
184932	Dozier, James S.	15 years	E-1
9643	McFerrin, Michael	15 years	E-1
9644	McFerrin, Michael	15 years	E-1
9645	McFerrin, Michael	15 years	E-1
9664	Shiple, George	15 years	E-1
9718	White, H.C. & Pamela Ray	15 years	E-1
9719	<i>Parcel ID deleted by KCAD Now included in Parcel No. 9718</i>		
9720	White, H.C. & Mary White	15 years	E-1
9722	<i>Parcel ID deleted by KCAD Split between Parcel Nos. 9718 & 9720</i>		
71610	White, H.C. & Mary White	15 years	E-1
76552	<i>Now included in Parcel No. 71610</i>		



Legend

- 10-Ft Pass Through Annexation
- ETJ Boundary
- Section 43.035 Agreements
- Territory Annexed
- Parcels

1,000 ft

City of Mesquite

Annexation of 1,124 square miles

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
08/26/2010 03:13:20 PM
\$48.00



A handwritten signature in black ink, appearing to be "JF2", is written to the right of the official seal.

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