



201600323019 /
ORD 1/8

STATE OF TEXAS)

COUNTY OF DALLAS)

I, Sonja Land, City Secretary of the City of Mesquite, Texas, do hereby certify that the attached is a true and correct copy of City of Mesquite ORDINANCE NO. 4455 passed by the City Council of the City of Mesquite on October 17, 2016, and recorded in Volume 107 of the City Council Ordinance Books kept by me in my office.

Witness my hand and the seal of the City of Mesquite, Texas, this 19th day of October 2016.

Sonja Land
City Secretary, City of Mesquite
Dallas County, State of Texas



ORDINANCE NO. 4455

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING APPROXIMATELY 0.28 SQUARE MILES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FARM AND MARKET ROAD 741 AND HIGH COUNTRY LANE, 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; 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, in August 2010, the City of Mesquite (the "City") and the owner of the properties described in the attached Exhibit "A" (the "Property") entered into development agreements pursuant to Texas Local Government Code Section 43.035, which provided immunity from annexation and which bound successors in interest to the terms and conditions thereof; and

WHEREAS, one such condition of the development agreements prohibited the owner from filing any type of development document for the Property during the term of the agreements, and in the event a development document was filed with any government agency, such act would constitute a petition for voluntary annexation by the owner; and

WHEREAS, on May 8, 2016, the current owner of the Property filed an application with the City for development of a residential and commercial project under the Kaufman – Interstate 20 Development Code; and

WHEREAS, said application for development constituted a petition for voluntary annexation of the Property, and the City has concluded that the area should be annexed and made a part of the City; and

WHEREAS, the Property is land contiguous to the City by adjacency of territory annexed into the City pursuant to Ordinance No. 4100 dated August 16, 2010, and by virtue of Texas Local Government Code Sec. 43.035(c) that deems areas adjacent or contiguous to an area that is the subject of a development agreement described by Sec. 43.035(b)(1) to be adjacent or contiguous to the municipality; and

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

WHEREAS, the Property proposed for annexation is exempted by Texas Local Government Code §43.052(h)(1) from inclusion in an annexation plan and is excepted generally by terms of the development agreements from the statutory procedures of §43.052; 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 a service plan for the area is adopted and attached hereto as Exhibit "B."

SECTION 3. 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 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.

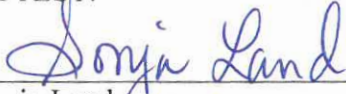
RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75135-0137

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 17th day of October, 2016.



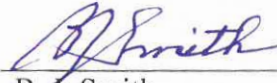
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney

Exhibit "A"

RETURN TO: CITY SECRETARY

MESQUITE
Real Estate Service
185-0



Boundaries
ETJ Boundary
Territory Annexed
Parcels

Annexation of 0.28 square miles

Exhibit "B"



**SERVICE PLAN FOR THE EXTENSION OF
FULL MUNICIPAL SERVICES**

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. (*Italics 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 (*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 either Mesquite Fire Station No. 7, new facilities to be sited once new development occurs, or through mutual aid agreements with other entities. The Fire Marshall will provide fire prevention services.
- c. Solid waste collection (*currently unserved*) — At the time new development occurs, the City will furnish collection services, either by City personnel or by contract.
[No service is anticipated until new development occurs.]
- d. Water and wastewater services (*currently unserved*) — 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. To the extent allowed by law, the City will amend its Certificates of Convenience and Necessity to include the area to be annexed.
[No maintenance is anticipated until new development occurs.]
- e. Street maintenance (*City of Mesquite*), including extant traffic control devices and street lighting — On High Country Road, 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.
[General maintenance is anticipated for High Country Lane and for new streets, once dedicated and accepted by the City, at the time new development occurs.]

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, the Subdivision Ordinance, the Community Appearance Manual, and the Sign Code.
- 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 future food service establishments, schools, day-cares and public pools as defined in applicable ordinances.
- e. Vector control — Mosquito surveillance, larvicide application and ground spraying in accordance with City policy for chemical use.
- f. Animal control services — Enforcement of applicable animal control ordinances, including the investigation of suspected animal bites and impoundment of vicious animals.
- g. Library services — Future residents of the area shall receive normal and customary privileges for using the Mesquite Public Library system.
- h. Parks and recreation — Future residents of the area shall receive normal and customary privileges for using the City park system, pools and recreation centers.
- i. Housing — Future households of the area 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.

[No improvements are anticipated.]

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

At the time new development occurs, the City or the developer shall extend water, sanitary sewer and storm water facilities in accordance with established ordinances and policies or otherwise coordinate the provision of temporary service to areas of the development outside existing CCNs. Once constructed, the City shall maintain improvements that are dedicated to and accepted for public use.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
11/17/2016 09:34:10 AM
\$50.00



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

201600323019