

ORDINANCE NO. 4403

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, WAIVING THE IMPACT FEES FOR A SPECIFIED TIME ON TAX-FORECLOSED PROPERTIES LOCATED AT 907 JARDIN DRIVE, 1004 GRANDE DRIVE AND 810 LEYENDA DRIVE TO DALLAS AREA HABITAT FOR HUMANITY, INC., FOR THE CONSTRUCTION OF SINGLE FAMILY AFFORDABLE HOUSING ON THOSE PROPERTIES; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, on June 8, 2015, the City of Mesquite, Mesquite Independent School District and Dallas County entered into an Interlocal Agreement ("ILA") pursuant to Texas Tax Code Section 34.051 to resell distressed tax-foreclosed properties for the purpose of urban redevelopment; and

WHEREAS, pursuant to the ILA, the Mesquite Independent School District Board, the Dallas County Commissioners Court and the Mesquite City Council have authorized the City Manager to sell tax-foreclosed properties located at 907 Jardin Drive, 1004 Grande Drive and 810 Leyenda Drive to Dallas Area Habitat for Humanity, Inc., for the construction of single family affordable housing on those properties ("the Habitat Project"); and

WHEREAS, Section 395.016 of the Texas Local Government Code allows the waiver of impact fees for projects qualifying as affordable housing under 42 U.S.C. Section 12745, such as the Habitat Project.

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

SECTION 1. That the City Council hereby approves the waiver of impact fees for the Habitat Project as defined herein.

SECTION 2. That, if, within four years of the date of passage of this ordinance, the construction of affordable housing as defined by 42 U.S.C. Section 12745, Subsection (b), has not commenced on the properties located at 907 Jardin Drive, 1004 Grande Drive and 810 Leyenda Drive, as determined by the City Manager, the impact fees shall be assessed, in accordance with the terms of Section 395.016 of the Texas Local Government Code, and the owner shall be liable for all applicable impact fees, which shall be paid within 30 days of written notice of the City Manager's determination.

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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.

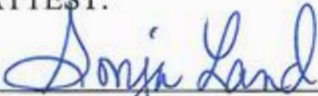
SECTION 4. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 16th day of November, 2015.



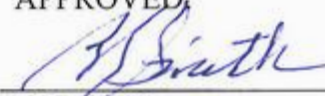
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney