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RESOLUTION NO. 32-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING POLICIES TO ASSURE PERPETUAL MAINTENANCE OF CERTAIN IMPROVEMENTS AND DECLARING THE EFFECTIVE DATE THEREOF.

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


SECTION 1. That, the attached policies be adopted to assure continuing, long-range maintenance of certain community improvements when those improvements are primarily for the benefit of residents of a particular development or are permitted to be constructed in variance to normal requirements, without placing the City in the position where it would become responsible for the cost of such maintenance.

SECTION 2. That this resolution shall take effect immediately upon passage as the charter in such cases provides.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 5th day of November, A.D., 1984.


Mrs. Brunhilde Nyakrom
Mayor

ATTEST:


Lynn Prugel
City Secretary

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POLICIES TO ASSURE PERPETUAL
MAINTENANCE OF CERTAIN IMPROVEMENTS

PURPOSE

To assure continuing, long-term maintenance of certain community improvements without placing City in the position where it would become responsible for such maintenance:

1. When the improvements are primarily for the benefit of multiple owners in a particular development, or
2. When the improvements are permitted to be constructed in variance to normal requirements.

IMPROVEMENTS REQUIRING ASSURANCES
OF PERPETUAL MAINTENANCE

ACCEPTABLE METHODS OF
ASSURANCE

Drainageways

All drainageway improvements in accordance with requirements of the Comprehensive Drainage Ordinance

- Drainage easement may be offered for dedication to City (City assumes maintenance)
- Private maintenance in accordance with City Code is acceptable if dedication is not proposed.

Unimproved drainageway (greenbelt) preserved with no filling of flood plain in area designated by Parks Department as part of greenbelt system

- Greenbelt area may be offered for dedication to City (City assumes maintenance)
- If dedication is not acceptable or proposed, assurances as indicated below for drainageways with variances must be provided

Drainageway improvements not in accordance with the Comprehensive Drainage Ordinance (variance granted)

- Perpetual maintenance must be assured by either a homeowner's association (single family only) or a trust fund as specified by the City Council.

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Landscape Elements/Open Spaces/Screening

Landscaping or open spaces on private property provided for multiple owner development (eg. Common areas for townhouse project or single family subdivision)

. Perpetual maintenance must be assured by a homeowner's association

Landscaping on public right-of-way provided for multiple owner development (eg. entryway landscaping or parkway plantings for single family subdivision)

. Design must be approved by Parks Department or perpetual maintenance must be assured by either a homeowner's association or a trust fund

Landscape (living) screen provided in lieu of required six foot masonry screening wall (variance granted)

. Perpetual maintenance must be assured by either a homeowner's association (single family only) or a trust fund as specified by the City Council

Screening, noise-abatement or other wall or fence placed on public right-of-way (approval required)

. Perpetual maintenance must be assured by either a homeowner's association or a trust fund

NOTES:

1. The City Council, when approving variances or approving plans involving elements identified above, may grant relief from the requirements of this policy or may stipulate more stringent conditions than proposed by the policy based on the consideration and evaluation of specific situations and design proposals.
2. When a homeowner's association is to assure perpetual maintenance, the agreements for the homeowner's association must assure the continued existence of the association, must provide a mechanism to assure adequate funding for needed maintenance, and must be approved by the City Attorney prior to issuance of building permits.
3. When a trust fund is to assure perpetual maintenance, the deposit required will equal ten times the estimated annual maintenance cost. (This amount is assumed to generate sufficient interest to pay the annual maintenance if the City assumes the maintenance costs). Where a trust fund is established to assure the perpetual maintenance of an improvement constructed in variance to standard

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requirements and where it is the owner's responsibility to accomplish maintenance, the interest from the trust fund is returned as long as the improvement in question is properly maintained by the owner. When an improvement is provided for the benefit of multiple owners, i.e. no single owner is responsible for maintenance, all interest from the trust fund is retained by the City to cover the costs of on-going maintenance accomplished by the City after completion of the construction of the subdivision. Trust fund agreements must be reviewed and approved by the City Attorney prior to issuance of building permits.