

RESOLUTION NO. 46-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO REDUCING THE CITY OF MESQUITE'S EXTRATERRITORIAL JURISDICTION BY APPROXIMATELY 2,026 ACRES IN A PORTION OF KAUFMAN COUNTY UPON THE OCCURRENCE OF CERTAIN CONDITIONS BY FEBRUARY 1, 2005.

WHEREAS, the City of Mesquite's ("Mesquite") Extraterritorial Jurisdiction ("ETJ") extends into Kaufman County; and

WHEREAS, Navo Denton, Inc., is the general partner of 2219 Kaufman Partners, L.P. ("Owner"), a Texas limited partnership, which owns certain property comprised of various tracts, hereinafter referred to as the Navo 600 Property, the Navo 820 Property and the Remaining Navo Property (collectively, the "Property"), which Property is located in Kaufman County; and

WHEREAS, the Property is contiguous to the existing ETJ of the City of Crandall ("Crandall"); and

WHEREAS, a portion (484.081 acres) of the Navo 600 Property is within the ETJ of Mesquite, a portion (125.839 acres) is within the ETJ of Crandall, and a portion is within Kaufman County and not within the ETJ of any municipality. All of the Navo 820 Property and all of the Remaining Navo Property are within the existing ETJ of Mesquite; and

WHEREAS, the Owner acquired the Property for long-term appreciation with the intention that it be developed as a master planned community and believes that such development can best be achieved if it occurs wholly within the ETJ of Crandall; and

WHEREAS, pursuant to Texas Local Government Code, Section 42.022(b) and (c), the Owner has petitioned and requested to have all of the Property included within the ETJ of Crandall, with the exception of that portion of the Property which Mesquite desires to retain of the Remaining Navo Property adjacent to Interstate 20 for commercial development (the "Commercial Tract"); and

WHEREAS, the Owner has requested that Mesquite consent to the reduction of its ETJ in order that the Property may be included within Crandall's ETJ; and

WHEREAS, upon review by the City Council of the City of Mesquite ("City Council"), at the request of the Owner, the City Council believes it to be in the best interest of Mesquite and Crandall to consent to the reduction of Mesquite's current ETJ, subject to certain conditions ensuring an orderly and effective transfer of the ETJ.

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

SECTION 1. That the City Council of the City of Mesquite hereby consents to the reduction of its Extraterritorial Jurisdiction ("ETJ") as shown on Exhibit "A" attached hereto, save and except the Commercial Tract of approximately 152 acres as shown on Exhibit "B" attached hereto, said reduction consisting of approximately 2,026 acres, and by such consent does relinquish all rights to that portion of its ETJ for all purposes. Provided, however, that said consent and reduction shall be subject to the conditions enumerated in Section 3.

SECTION 2. That, if necessary, the boundaries of the Commercial Tract as shown in Exhibit "B" shall be adjusted so that:

- (a) No portion of the City of Mesquite's ETJ south of the southerly right-of-way line of Interstate 20 is reduced to less than 1,000 feet in width; and
- (b) Boundary T12 – C6 is coterminous with the southeasterly right-of-way line of FM 741.

SECTION 3. That as conditions precedent to the reduction in the ETJ as described herein, each and every one of the following conditions shall be met prior to the date specified in Section 5:

- (a) The Commercial Tract described in Section 2 herein shall be excluded from Kingsborough Municipal Utility District No. 4; and
- (b) 2219 Kaufman Partners, L.P., and the City of Mesquite shall execute an agreement satisfactory to the City wherein 2219 Kaufman Partners, L.P., shall pay to the City \$250,000 to be used by the City for conducting planning, modeling or other economic development studies. Provided that in order for the City of Mesquite to proceed with one such study as soon as possible, 2219 Kaufman Partners, L.P., shall pay \$30,000 of said amount to the City within seven days following adoption of this Resolution.
- (c) Upon receiving written notice from the City of Mesquite that conditions (a) and (b) in this Section have been met, as evidenced by the adoption of the ordinance hereinafter provided for in Section 4 below, the City of Crandall shall take such action as is necessary and acceptable to the City of Mesquite to expand Crandall's ETJ in accordance with LGC §§42.001 et. seq, with such expansion to include the entirety of the area described in Section 1, and with an effective date to correspond with the City of Mesquite's reduction in ETJ as established in said ordinance.

SECTION 4. It is the intent of the City Council that at such time as conditions (a) and (b) of Section 3 have been met, the City Council shall consider an ordinance which certifies compliance with said conditions, authorizes the providing of written notice to the City of Crandall of the same, and establishes an effective date for the reduction in the City's ETJ.

SECTION 5. That this resolution shall take effect immediately from and after its passage. Provided that if the effective date for the City of Mesquite's reduction in ETJ and the

corresponding expansion of the City of Crandall's ETJ do not occur on or before February 1, 2005, then this Resolution shall expire without further action by the City Council and the consent to reduce the City of Mesquite's ETJ shall be of no force or effect.

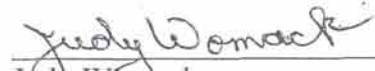
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 18th day of October, 2004.




Mike Anderson
Mayor

ATTEST:

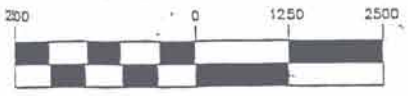
APROVED:



Judy Womack
City Secretary

B. J. Smith
City Attorney

GRAPHIC SCALE



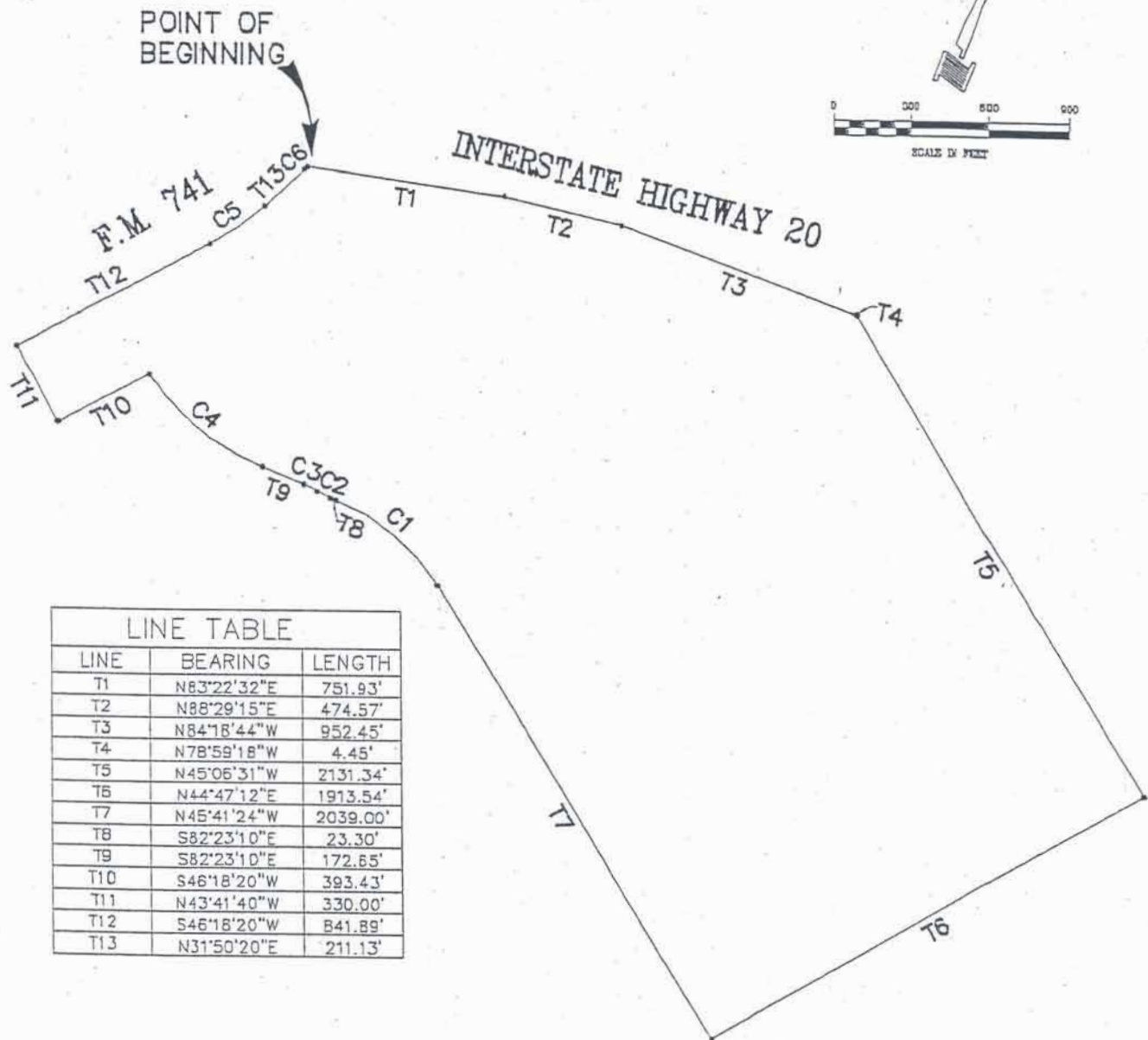
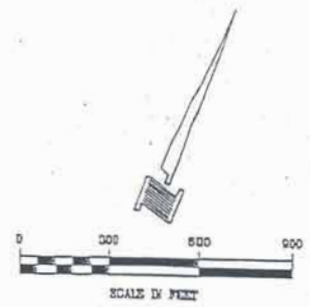
(IN FEET)
1 inch = 2500 ft.



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LAND EXHIBIT A

NOTE: Basis of bearing derived from Texas State Plane Coordinates (NAD83), North Central Zone



LINE TABLE		
LINE	BEARING	LENGTH
T1	N83°22'32"E	751.93'
T2	N88°29'15"E	474.57'
T3	N84°18'44"W	952.45'
T4	N78°59'18"W	4.45'
T5	N45°06'31"W	2131.34'
T6	N44°47'12"E	1913.54'
T7	N45°41'24"W	2039.00'
T8	S82°23'10"E	23.30'
T9	S82°23'10"E	172.65'
T10	S46°18'20"W	393.43'
T11	N43°41'40"W	330.00'
T12	S46°18'20"W	841.89'
T13	N31°50'20"E	211.13'

CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	36°41'46"	790.00'	262.00'	505.97'	N64°02'17"W 497.37'
C2	10°28'31"	300.00'	27.50'	54.85'	S77°08'55"E 54.77'
C3	10°28'31"	300.00'	27.50'	54.85'	N77°08'55"W 54.77'
C4	33°49'29"	950.00'	288.86'	560.83'	N65°28'26"W 552.73'
C5	14°28'00"	999.93'	126.91'	252.47'	N39°04'20"E 251.80'
C6	0°59'08"	909.93'	7.83'	15.65'	N32°19'54"E 15.65'

COMMERCIAL BOUNDARY EXHIBIT
 6,627,254 SQUARE FEET OR 152.14 ACRES
 MARTHA MUSICK SURVEY, ABSTRACT NO. 312
 JOHN MOORE SURVEY, ABSTRACT NO. 309
 KAUFMAN COUNTY, TEXAS

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