

RESOLUTION NO. 31-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DIRECTING THAT THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT GIVE WRITTEN NOTICE OF THE CITY'S INTENT TO ANNEX CERTAIN PROPERTY IN ITS EXTRATERRITORIAL JURISDICTION AS REQUIRED BY TEXAS LOCAL GOVERNMENT CODE §43.062(b) AND DRAFT A SERVICE PLAN FOR SUCH AREA PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §43.065; AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, in August 2010, the City of Mesquite (the "City") and the owner of three parcels in Kaufman County, identified by the Kaufman County Appraisal District as parcel numbers 9643, 9644 and 9645 consisting collectively of 176.85 acres (the "Property"), entered into development agreements pursuant to Texas Local Government Code Section 43.035, which provide immunity from annexation and which bind successors in interest to the terms and conditions thereof; and

WHEREAS, one such condition of the development agreements prohibits 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 is filed with any government agency, such act will 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 constitutes a petition for voluntary annexation of the Property, and the City, having studied and evaluated the proposed project and its impact upon further development within the City and its extraterritorial jurisdiction ("ETJ") located in Kaufman County, Texas, has determined it is in the best interest of the City to annex the Property; and

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

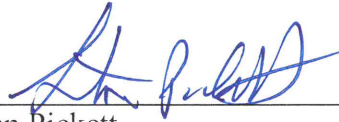
WHEREAS, the City elects to provide written notice of its intent to annex pursuant to Texas Local Government Code §43.062 and prepare a service plan for the area as required by Texas Local Government Code §43.065.

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

SECTION 1. That, pursuant to Chapter 43, Texas Local Government Code, §43.062, the Director of Planning and Development Services is directed to give written notice of the City's intent to annex the Property shown in Exhibit "A" attached hereto and the Planning Division is directed to prepare a service plan for the Property as required by Texas Local Government Code §43.065.

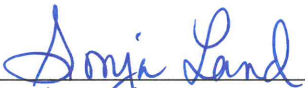
SECTION 2. That this resolution shall become effective immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 18th day of July, 2016.



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Stan Pickett  
Mayor

ATTEST:

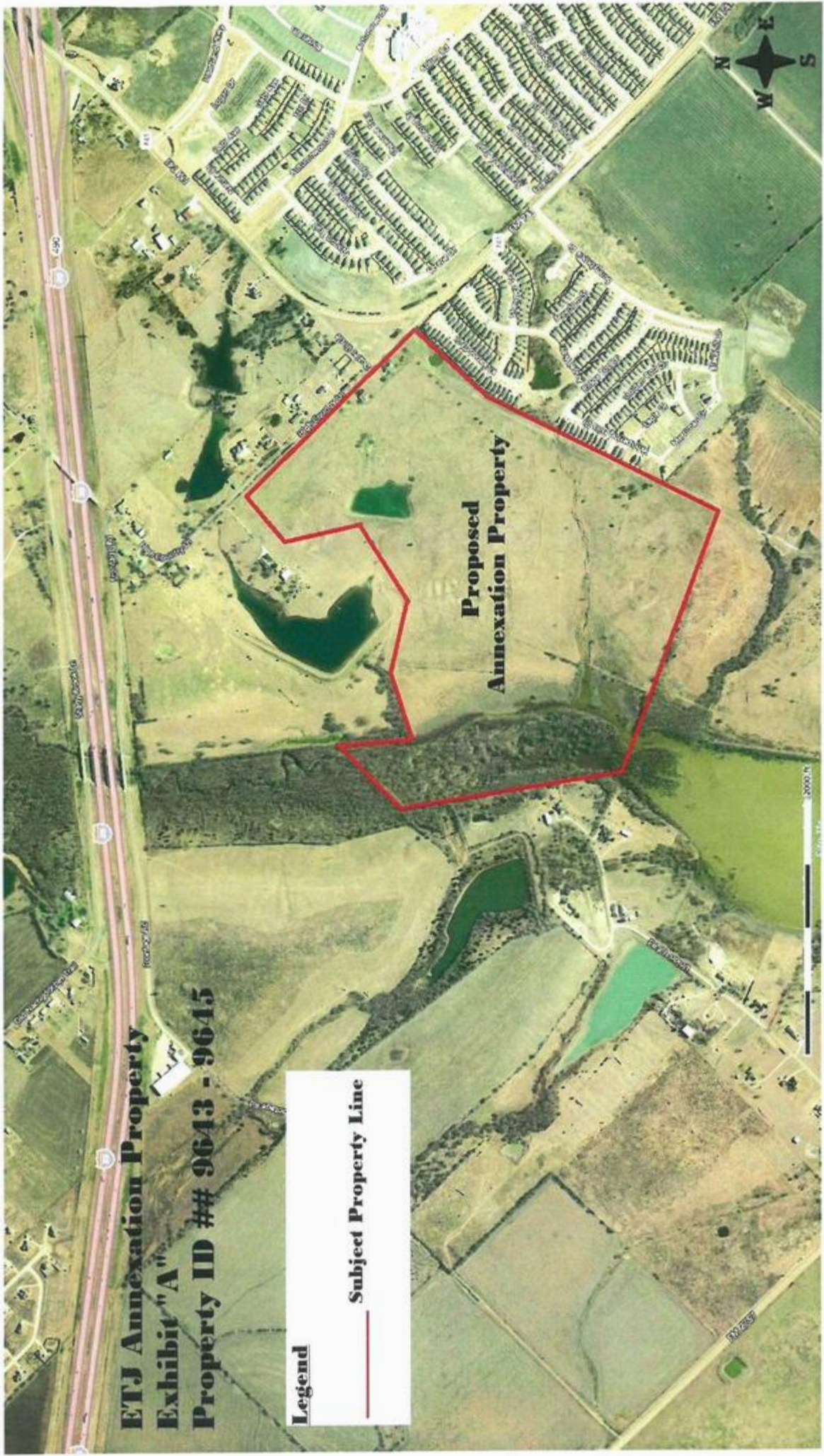


\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:



\_\_\_\_\_  
B. J. Smith  
City Attorney



**ETJ Annexation Property  
Exhibit "A"  
Property ID ## 9643 - 9645**

**Legend**  
\_\_\_\_\_ Subject Property Line