

RESOLUTION NO. 20-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE WITH THE CITY SECRETARY A VOLUNTARY PETITION FOR ANNEXATION INTO THE CITY OF MESQUITE, TEXAS, OF 1.425 ACRES OF REAL PROPERTY OWNED BY THE CITY AND GENERALLY LOCATED SOUTHWEST OF FM 2932 AND SOUTHEAST OF GRIFFIN LANE IN KAUFMAN COUNTY, TEXAS (THE "PROPERTY"); AUTHORIZING A SERVICE PLAN FOR THE PROPERTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Mesquite, Texas (the "**City**"), is the sole owner of approximately 1.425 acres of real property situated entirely within the City's extraterritorial jurisdiction ("**ETJ**") in the John Moore Survey, Abstract No. 309, in Kaufman County, Texas, generally located southwest of FM 2932 and southeast of Griffin Lane, which real property consists of two contiguous tracts being more particularly described and depicted in Exhibits A – D to the Voluntary Petition for Annexation attached hereto as Exhibit 1 and incorporated herein by reference (said property being collectively referenced herein as the "**Property**"); and

**WHEREAS**, the City has adopted a Home Rule Charter authorizing annexation of territory and extension of the City's corporate limits and the City Council of the City (the "**City Council**") desires that the Property be voluntarily annexed into the City pursuant to the procedures prescribed in Subchapter C-3 of Chapter 43 of the Texas Local Government Code and that a service plan for the provision of services to the Property in compliance with Chapter 43 of the Texas Local Government Code be authorized; and

**WHEREAS**, the Property has no residents and is southeast of and abutting Griffin Lane, being a Kaufman County road, a portion of which is within the City's ETJ; and

**WHEREAS**, Chapter 43 of the Texas Local Government Code requires that a municipality proposing to annex territory abutting a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road and, accordingly, the City Council intends to annex a portion of Griffin Lane and its adjacent right-of-way on both sides of Griffin Lane that is within the City's ETJ and that includes all of the portion of Griffin Lane abutting the Property; and

**WHEREAS**, the City finds and determines that voluntary annexation of the Property into the City, along with that portion of Griffin Lane described herein, is in the best interests of the City and its citizens.

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

**SECTION 1.** The statements, facts, findings and recitals set forth above are hereby found and declared to be true and correct and are incorporated into this Resolution and adopted as part of this Resolution for all purposes.

**SECTION 2.** The City Council of the City of Mesquite, Texas, hereby approves the Voluntary Petition for Annexation attached hereto as Exhibit 1 and incorporated herein for all purposes, and hereby authorizes the City Manager to execute the Voluntary Petition for Annexation and file it with the City Secretary. The City Manager is further authorized to execute and file such other documents necessary for the City to annex the Property, provided, however, that notwithstanding anything contained herein to the contrary, the authority of the City Manager pursuant to this Section 2 shall not include the authority to take any action that cannot be delegated by the City Council or that is within the City Council's legislative functions. The Service Plan for the Extension of Full Municipal Services, attached hereto as Exhibit 2 and incorporated herein for all purposes, is hereby approved for the provision of services to the Property in compliance with Chapter 43 of the Texas Local Government Code.

**SECTION 3.** Should any word, sentence, clause, paragraph or provision of this resolution be held to be invalid or unconstitutional, the validity of the remaining provisions of this resolution shall not be affected and shall remain in full force and effect.

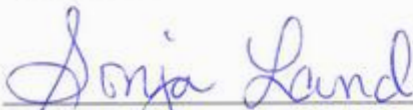
**SECTION 4.** This resolution shall take effect immediately from and after its passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Mesquite, Texas, on the 4th day of May 2020.



Bruce Archer  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall  
City Attorney

**VOLUNTARY PETITION FOR ANNEXATION**

This Voluntary Petition for the Annexation of an area within the extraterritorial jurisdiction of the City of Mesquite, Texas (the "City") is submitted by the City as the landowner (the "Landowner").

**SECTION 1.** The City owns approximately 1.425 acres of real property in Kaufman County located wholly within the extraterritorial jurisdiction (the "ETJ") of the City and not within the ETJ or corporate limit of any other town or city, which real property consists of two tracts, one being 0.718 acres described by metes and bounds on **Exhibit A** and depicted on **Exhibit B**, and the second being 0.707 acres described by metes and bounds on **Exhibit C** and depicted on **Exhibit D**, each attached hereto and made a part hereof for all purposes (collectively the "Property"). The City is the sole owner of the Property. The Property has no residents.

**SECTION 2.** The City is a home-rule municipality of the State of Texas, located in Dallas County and Kaufman County.

**SECTION 3.** The City, as the landowner of the Property, hereby petitions the City Council of the City to annex the Property into the corporate limits of the City pursuant to Section 43.0671 of the Texas Local Government Code, as amended.

**SECTION 4.** Pursuant to Section 43.0671 of the Texas Local Government Code, as amended, the City may annex an area if each owner of land in the area requests the annexation.

**RESPECTFULLY SUBMITTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**LANDOWNER: CITY OF MESQUITE, TEXAS**

By: \_\_\_\_\_

Name: Cliff Keheley

Its: City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Name: Sonja Land  
Title: City Secretary

By: \_\_\_\_\_  
Name: David L. Paschall  
Title: City Attorney

**EXHIBIT A**  
**0.718 acres**  
**Metes and Bounds**

**EXHIBIT "A"**

**Legal Description**

**0.718 Acres**

Being a 0.718 Acre tract of land situated in the John Moore Survey, Abstract No. 309. Said 0.718 Acre tract of land being part of Tract No. 1, a called 138.87 acres tract, as well as Tract No. 3, a called 19.01 Acre tract as conveyed to RJ THREE STAR INVESTMENT, LLC., as recorded in Volume 5649, Page 374, Deed Records Kaufman County, Texas, said 0.718 Acre tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found being the most Northerly corner of Dallas East Estates as recorded in Cabinet 1 Page 94, Plat Records, Kaufman County, Texas, said point also being the most Westerly Northwest corner of the aforementioned RJ THREE STAR tract 3, said point also being in the Southeasterly line of Griffin Lane, a public right-of-way;

Thence North 43 degrees 41 minutes 15 seconds East, along the said Southerly line of Griffin Lane and generally along a meandering barb-wire fence, a distance of 25.00 feet to a 1/2" iron rod set with cap, RDS. INC.;

Thence South 45 degrees 29 minutes 04 seconds East, leaving said Griffin Lane, a distance of 1250.42 feet to a 1/2" iron rod set with cap, stamped RDS. INC., said point being in the most Southeasterly line of the RJ THREE STAR tract 3, and the most Northerly line of the ADCOCK CONSTRUCTION COMPANY, INC., TRACT 1, as recorded in Volume 5871, Page 576, said Deed Records;

Thence South 44 degrees 01 minutes 52 seconds West, along the said Northeasterly line of the ADCOCK CONSTRUCTION COMPANY tract, and along the Southeasterly line of said RJ THREE STAR tract a distance of 25.00 feet to a 1/2" iron rod set with cap, stamped RDS. INC., said point being in the aforementioned Northeasterly line of the Dallas East Estates tract;

Thence North 45 degrees 29 minutes 04 seconds West, along said Dallas East Estates, and generally along a meandering barb-wire fence, a distance of 1250.27 feet to the POINT OF BEGINNING, and containing 0.718 acres or 31,257.508 feet of land, more or less.

**EXHIBIT B**  
**0.718 acres**  
**Property Depiction**



**EXHIBIT C**  
**0.707 acres**  
**Metes and Bounds**



## EXHIBIT "C"

### Legal Description

0.707 Acres

Being a 0.707 Acre tract of land situated in the John Moore Survey, Abstract No. 309. Said 0.707 Acre tract of land being part of Tract No. 1, a called 49.00 acre tract, as conveyed to ADCOCK CONSTRUCTION COMPANY, INC., as recorded in Volume 5871, Page 576, Deed Records of Kaufman County, Texas, said 0.707 Acre tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod set with cap, stamped RDS. INC., from which a 3/8" iron rod found bears North 15 degrees 05 minutes 40 seconds East a distance of 1.24 feet, said point being in the most Northeasterly line of the most Northeasterly line of the Dallas East Estates, as recorded in Cabinet 1, Page 94, Map Records of Kaufman County, Texas;

Thence North 44 degrees 01 minutes 52 seconds East, along said Northeasterly line of ADCOCK CONSTRUCTION COMPANY tract, and along the Southerly line of the R J THREE STAR tract, a distance of 25.00 feet to a 1/2" iron rod set with cap, stamped RDS. INC.;

Thence South 45 degrees 29 minutes 04 seconds East, leaving the said R J THREE STAR tract, a distance of 1231.68 feet to a 1/2" iron rod set with cap, stamped RDS. INC., said point being in the most Southeasterly line of the ADCOCK CONSTRUCTION tract 1, and the most Northeasterly line of the RICHARD SLAUGHTER BAUER tract, as recorded in Volume 5664, Page 210, said Deed Records;

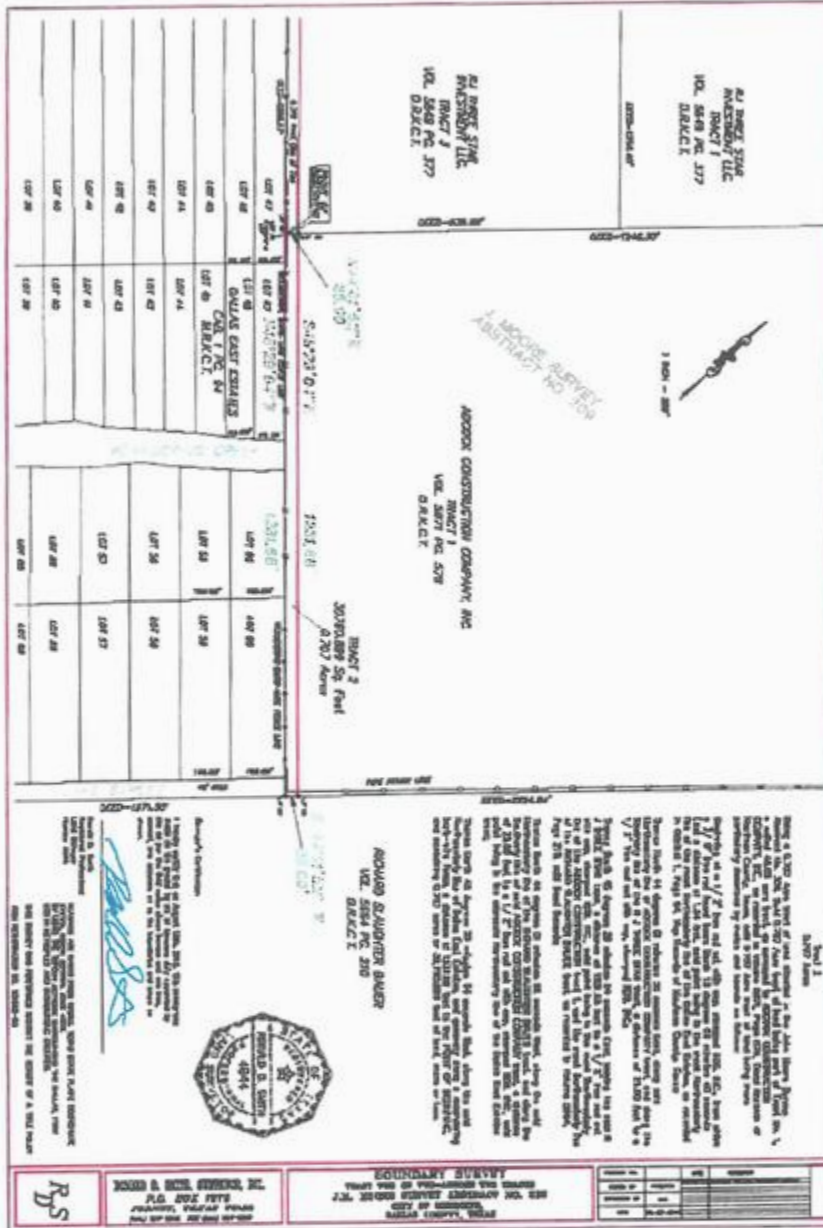
Thence South 44 degrees 01 minutes 52 seconds West, along the said Northeasterly line of the RICHARD SLAUGHTER BAUER tract, and along the Southerly line of said ADCOCK CONSTRUCTION COMPANY tract, a distance of 25.00 feet to a 1/2" iron rod set with cap, stamped RDS. INC., said point being in the aforesaid Northeasterly line of the Dallas East Estates tract;

Thence North 45 degrees 29 minutes 04 seconds West, along the said Northeasterly line of Dallas East Estates, and generally along a meandering barb-wire fence, a distance of 1231.68 feet to the POINT OF BEGINNING, and containing 0.707 acres or 30,790.899 feet of land, more or less.

**EXHIBIT D**  
**0.707 acres**  
**Property Depiction**

# EXHIBIT "D"

## Property Depiction



**RODOLFO S. SANTI**  
 No. 4994  
 SURVEYOR STATE OF TEXAS

**BU BROS. STONE**  
 P.L.C. 5848 PG. 377  
 PROJECT 2  
 VOL. 5848 PG. 377  
 DISTRICT

**ACORON CONSTRUCTION COMPANY, INC.**  
 VOL. 5877 PG. 579  
 DISTRICT

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

This Service Plan outlines the City of Mesquite's obligation to provide for the extension of full municipal services to the area or areas described in Exhibit "A." The Service Plan is issued pursuant to LGC § 43.0672.

**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 as currently available in other parts of the municipality with similar topography, land use and population density. (*Denotes current service provider*)

- 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 (*Forney Fire Department, 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 Mesquite Fire Station No. 7 or through mutual aid agreements with other entities. The Mesquite Fire Marshall will provide fire prevention services.
- c. Solid waste collection (*various private contractors*) — The City will furnish collection services, either by City personnel or by contract.
- d. Water and wastewater services (*Talty CCN*) The City of Mesquite will be responsible for maintenance of water and wastewater facilities owned by the City of Mesquite. Extension of water and wastewater facilities will be in accordance with applicable City Codes, Ordinances and Policies.
- e. Street maintenance (*State of Texas, Kaufman County*), including extant traffic control devices and street lighting — For any public roads and streets not within Federal, State or County jurisdiction, 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.

**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 and Subdivision Ordinance.

- 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 food service establishments as defined in applicable ordinances.
- e. Animal control services — Enforcement of applicable animal control ordinances, including the investigation of suspected animal bites and impoundment of vicious animals.
- f. Library services — Residents of the area shall receive normal and customary privileges for using the Mesquite Public Library system.
- g. Parks and recreation — Residents of the area shall receive normal and customary privileges for using the City park system, pools and recreation centers.
- h. Housing — Households meeting the City’s established income qualifications and criteria shall be eligible to apply for housing assistance and housing rehabilitation loans.

III. **Extension of Infrastructure to Existing Development**

After the effective date of annexation, extension of water and wastewater facilities will be in accordance with applicable City Codes, Ordinances and Policies.

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

As property in the area develops, the developer shall extend and construct water and sanitary sewer to serve the subject tract in accordance with applicable City ordinances, codes, agreements and policies. Water, Wastewater, Storm water facilities, streets and alleys shall be constructed by the developer in accordance with established City ordinances, codes and policies.