

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING 121.282 ACRES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF IH-20 AND FM-741, IN THE MARTHA MUSIC SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, TEXAS, IN CONNECTION WITH A VOLUNTARY PETITION SUBMITTED BY D. R. HORTON – TEXAS, LTD, DIECIESEIS, LLC, AND CADG KAUFMAN 146, LLC, THUS EXTENDING THE BOUNDARY LIMITS OF SAID CITY OF MESQUITE, DALLAS AND KAUFMAN COUNTIES, TEXAS, TO INCLUDE SAID LAND WITHIN THE CITY LIMITS PURSUANT TO A VOLUNTARY ANNEXATION PETITION SUBMITTED BY THE OWNER; GRANTING FUTURE INHABITANTS OF THE AREA ALL RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE CITY AND MAKING APPLICABLE TO SAID TERRITORY ALL OF THE ORDINANCES AND REGULATIONS OF SAID CITY; ADOPTING A SERVICE PLAN; DESIGNATING ALL TERRITORY THUS ANNEXED TO BE ZONED AGRICULTURAL; PROVIDING FOR THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite, Texas (the “City”), has heretofore adopted a Home Rule Charter authorizing it to annex territory and extend the corporate limits of the City; and

WHEREAS, the City received the petition, attached as Exhibit “1,” submitted by D. R. Horton – Texas, Ltd, Diecieseis, LLC, and CADG Kaufman 146, LLC, owners of the area described in Exhibit “A” of Exhibit “1” (“the Property”) for voluntary annexation thereof; and

WHEREAS, two maps of the Property are provided as Exhibit “B” of attached Exhibit “1”; and

WHEREAS, such area of land is contiguous to the City and is within the extraterritorial jurisdiction of the City; and

WHEREAS, the annexation of the Property is authorized pursuant to Chapter 43 of the Texas Local Government Code and to the procedures prescribed in Chapter 43, Subchapter C-3 of the Texas Local Government Code; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the Charter of the City of Mesquite Texas, and the laws of this state have been duly followed with respect to the annexation of the Property; and

WHEREAS, after proper notice was provided in accordance with Chapter 43 of the Texas Local Government Code, public hearings on the proposed annexation were held before the City Council on , 2018, and , 2018; and the City Council has concluded that said area of land should be annexed pursuant to Texas Local Government Code Chapter 43.

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

SECTION 1. That the recitals set forth in this ordinance are found to be true and correct and are adopted as the findings of the City Council, and Exhibits "1" and "2" attached to this ordinance are made a part hereof for all purposes.

SECTION 2. That pursuant to the voluntary annexation petition, attached as Exhibit "1," the area described in Exhibit "A" of Exhibit "1" and depicted in Exhibit "B" of Exhibit "1," is hereby annexed for all municipal purposes to the City of Mesquite, Dallas and Kaufman Counties, Texas, and the boundary limits of the City of Mesquite be and are hereby extended to include the territory described in Exhibit "A" of Exhibit "1" within the city limits of the City of Mesquite, and the same shall hereafter be included within the territorial limits of said City and owner and future inhabitants of the area shall have the rights and privileges of other citizens of the City, and all City of Mesquite ordinances, resolutions and regulations shall be applicable to the described territory and binding on its inhabitants.

SECTION 3. That a service plan, attached hereto as Exhibit "2," is hereby adopted for the Property.

SECTION 4. That the Property annexed shall be zoned to the AG-Agricultural district immediately upon annexation into the City of Mesquite.

SECTION 5. That should any portion of the Property not be subject to legal annexation by the City of Mesquite, such fact shall not prevent the City from annexing any of the Property that is subject to legal annexation by the City, and it is the intention of the City of Mesquite to annex only such territory as may be legally annexed by it within the limits of the area.

SECTION 6. That the City Secretary is hereby directed to file with the County Clerk of Dallas, Texas, and the County Clerk of Kaufman, Texas, a certified copy of this ordinance.

SECTION 7. That this ordinance shall take effect immediately upon its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 1st day of October, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



Paula Anderson
Interim City Attorney

**EXHIBIT "1"
TO THE
ORDINANCE**

**VOLUNTARY PETITION FOR ANNEXATION
TO THE CITY OF MESQUITE, TEXAS**

STATE OF TEXAS §
 §
COUNTY OF KAUFMAN §

This Voluntary Petition for the Annexation of an area within the extraterritorial jurisdiction of the CITY OF MESQUITE, TEXAS (the "City"), is submitted by D.R. HORTON – TEXAS, LTD., a Texas limited partnership ("DRHTL"); DIECIESEIS, LLC, a Texas limited liability company ("DLLC"); and CADG KAUFMAN 146, LLC, a Texas limited liability company ("CADG") (collectively, the "Landowners").

SECTION 1. DRHTL owns approximately 41.50 acres, DLLC owns approximately 69.47 acres, and CADG owns the remainder of the approximately 121.282 acres of real property (the "Property") located wholly within the extraterritorial jurisdiction (the "ETJ") of the City and not within the ETJ or corporate limits of any other town or city, which Property is described by metes and bounds on Exhibit A and depicted on Exhibit B, each attached hereto and made part hereof for all purposes.

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

SECTION 3. The Landowners hereby petition 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 23 day of August, 2018.

RECEIVED


AUG 24 2018

**CITY OF MESQUITE
CITY SECRETARY**

LANDOWNERS:

D.R. HORTON – TEXAS, LTD.,
a Texas limited partnership

By: D.R. Horton, Inc.,
a Delaware corporation,
Its Authorized Agent

By: 
Name: David L. Booth
Title: Assistant Vice President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 23 day of August, 2018, by David L. Booth, as Assistant Vice President of D.R. Horton, Inc., a Delaware corporation, as authorized agent of D.R. Horton – Texas, Ltd., a Texas limited partnership, on behalf of said limited partnership.

[SEAL]


Notary Public ★ State of Texas



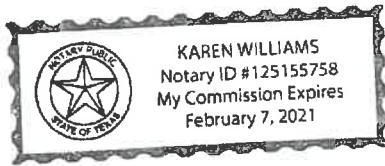
DIECIESEIS, LLC,
a Texas limited liability company

By: 
Name: Ryan Horton
Title: Manager

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 23 day of August, 2018, by Ryan Horton, as Manager of Diecieseis, LLC, a Texas limited liability company, on behalf of said limited liability company.

[SEAL]





Notary Public ★ State of Texas

CADG KAUFMAN 146, LLC,
a Texas limited liability company

By: CADG Holdings, LLC,
a Texas limited liability company,
Its Sole Member

By: MMM Ventures, LLC,
a Texas limited liability company,
Its Manager

By: 2M Ventures, LLC,
a Delaware limited liability company,
Its Manager

By: 
Name: Mehrdad Moayed
Its: Manager

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 23 day of August, 2018, by Mehrdad Moayed, as Manager of 2M Ventures, LLC, a Delaware limited liability company, as Manager of MMM Ventures, LLC, a Texas limited liability company, as Manager of CADG Holdings, LLC, a Texas limited liability company, as sole member of CADG Kaufman 146, LLC, a Texas limited liability company, on behalf of said limited liability company.

[SEAL]




Notary Public ★ State of Texas

EXHIBIT A

Metes and Bounds

121.282 ACRES

BEING that certain tract of land situated in the MARTHA MUSIC SURVEY, ABSTRACT NUMBER 312, in Kaufman County, Texas, and being part of that certain called 146.733 acre tract of land described in deed to CADG Kaufman 146, LLC, recorded in Volume 4363, Page 38, of the Deed Records of Kaufman County, Texas (DRKCT), and being more particularly described as follows:

BEGINNING at a 1 2 inch iron rod with cap marked "DAA" found at the southernmost corner of said CADG Kaufman 146, LLC tract, and being located on the northeasterly line of Lot 2X, Block 43, of Heartland Tract A, Phase 1B, an addition to Kaufman County, Texas according to the Amending Plat recorded in Cabinet 3, Slide 20, of the Plat Records of Kaufman County, Texas (PRKCT), said iron rod also being located at the beginning of a non-tangent curve to the left:

THENCE Northwesterly with said northeasterly line of Lot 2X and with said curve to the left which has a central angle of 21°32'00", a radius of 800.00 feet, a chord which bears North 34°55'09" West, a chord distance of 298.90 feet, for an arc distance of 300.66 feet to the end of said curve, a 1 2 inch iron rod with cap marked "DAA" found for corner:

THENCE North 45°41'09" West, continuing with the northeasterly line of Lot 2X, a distance of 397.34 feet to a 1 2 inch iron rod with cap marked "DAA" found for corner at the northernmost corner of said Lot 2X, Block 43, also being the northernmost corner of said Heartland Tract A, Phase 1B:

THENCE South 44°18'51" West, with the northwest line of said Lot 2X, Block 43, a distance of 10.00 feet to a 1 2 inch iron rod with cap marked "DAA" found for corner at the easternmost corner of Heartland Tract A Phase 2B, an addition to Kaufman County, Texas, according to the Final Plat recorded in Cabinet 3, Slide 100, PRKCT, said iron rod also being located on the northeasterly right-of-way line of Heartland Parkway (called 80 foot right-of-way at this point), according to said Final Plat of Heartland Tract A Phase 2B:

THENCE North 45°41'09" West, with said northeasterly right-of-way line of Heartland Parkway, a distance of 1324.03 feet to a 1 2 inch iron rod with cap marked "DAA" found for corner at the beginning of a tangent curve to the left:

THENCE Northwesterly, continuing with said northeasterly right-of-way line of Heartland Parkway, and with said curve having a central angle of 34°32'11", a radius of 790.00 feet, a chord which bears North 62°57'14" West, a chord distance of 469.01 feet, for an arc distance of 476.19 feet to the end of said curve, a 5 8 inch iron rod with cap marked "PETITT-RPLS 408" found for corner, from which a 1 2 inch iron rod with cap marked "DAA" found is located northwesterly along said curve at an arc distance of 29.78 feet:

THENCE leaving said northeasterly right-of-way line of Heartland Parkway, and over and across said CADG Kaufman 146, LLC tract, the following courses to 5/8 inch iron rods with caps marked "PETITT-RPLS 4087" found for corners:

North 09°46'40" East, a distance of 165.00 feet:

South 78°15'28" East, a distance of 65.47 feet:

North 15°12'36" East, a distance of 235.81 feet:

North 42°35'50" East, a distance of 477.61 feet:

North 07°44'02" West, a distance of 285.71 feet:

South 86°42'10" West, a distance of 198.45 feet:

North 68°43'31" West, a distance of 145.05 feet:

And North 06°39'43" West, a distance of 222.01 feet, said iron rod being located on the north line of said CADG Kaufman 146, LLC tract:

THENCE North 83°20'17" East, with a north line of said CADG Kaufman 146, LLC tract, a distance of 210.14 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner:

THENCE North 88°27'43" East, with a north line of said CADG Kaufman 146, LLC tract, a distance of 474.11 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner:

THENCE South 84°18'07" East, with a north line of said CADG Kaufman 146, LLC tract, a distance of 951.32 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner:

THENCE South 78°58'41" East, with a north line of said CADG Kaufman 146, LLC tract, a distance of 18.88 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner at a northeast corner of said CADG Kaufman 146, LLC tract:

THENCE South 45°06'42" East, with the northeasterly line of said CADG Kaufman 146, LLC tract, a distance of 2113.03 feet to a 3/4 inch iron pipe found at the easternmost corner of said CADG Kaufman County 146, LLC tract:

THENCE South 44°46'26" West, with a southeasterly line of said CADG Kaufman 146, LLC tract, a distance of 1898.52 feet to a 1/2 inch iron rod with cap marked "DAA" found for corner:

THENCE South 65°43'36" West, with a southeasterly line of said CADG Kaufman 146, LLC tract, a distance of 65.81 feet to the POINT OF BEGINNING of herein described tract, containing a calculated area of 121.282 acres of land.

EXHIBIT B
Property Depiction

EXHIBIT B



**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 prescribed in Heartland Town Center Development Agreement and 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, except to households or businesses that continue after annexation to use the services of a privately owned solid waste management service. After two years, collection services shall be provided in accordance with applicable ordinances.
- d. Water and wastewater services (*Kaufman County Municipal Utility District No. 12*) — The City of Mesquite will not be responsible for installation or maintenance of water or wastewater facilities.
- 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, the City shall initiate the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the area annexed or as provided for in the Heartland Town Center Development Agreement. Adequacy shall be determined according to the City’s ordinances, demand-based rules, regulations and policies for the expansion and extension of infrastructure in other areas of the municipality with similar topography, land use and population density.

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

As property in the area develops, the developer shall extend water and sanitary sewer per the Kaufman County Municipal Utility District No. 12. Storm water facilities, streets and alleys shall be constructed by the developer in accordance with established City ordinances and policies and in conformance with the Heartland Town Center Development Agreement.