

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING 25.464 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 MEHRDAD MOAYEDI OF 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 from Mehrdad Moayedi of CADG Kaufman 146, LLC, acting on behalf of the owner of the area described in Exhibit "A," ("the Property") for voluntary annexation thereof, which petition is attached as Exhibit "B"; and

WHEREAS, a map of the Property is attached as Exhibit "C"; 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 July 2, 2018, and July 16, 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 "A," "B," "C" and "D" attached to this ordinance are made a part hereof for all purposes.

SECTION 2. That pursuant to the voluntary annexation petition, attached as Exhibit "B," the area described in attached Exhibit "A," and depicted in attached Exhibit "C," 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" 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 as Exhibit "D" 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 16th day of July, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary

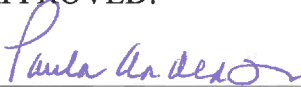

Paula Anderson
Interim City Attorney

EXHIBIT A

Metes and Bounds

BEING that certain tract of land situated in the Martha Music Survey, Abstract No. 312, in Kaufman County, Texas, and being part of that certain 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 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set at the intersection of the southeast right-of-way line of Farm to Market Road No. 741 (called 90 foot R.O.W. at this point), and the northeasterly right-of-way line of Heartland Parkway (called 100 foot R.O.W. at this point), and being the west corner of said CADG Kaufman 146, LLC tract;

THENCE North 46°18'40" East, with said southeast right-of-way line of Farm to Market Road No. 741, said southeast right-of-way line according to Deed to the State of Texas recorded in Volume 454, Page 159, DRKCT, a distance of 428.96 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner at the west corner of that certain tract of land described as Tract 7 in deed to HW Heartland, L.P. recorded in Volume 3119, Page 142, DRKCT;

THENCE leaving said southeast right-of-way line of Farm to Market Road No. 741, and with the southwest and southeast lines of said Tract 7, the following bearings and distances to 1/2 inch iron rods with cap stamped "DAA" found for corner:

South 43°42'15" East, a distance of 207.45 feet;

And North 46°15'02" East, a distance of 146.43 feet;

THENCE North 15°07'57" East, continuing with said southeast line of Tract 7, a distance of 467.14 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner;

THENCE North 83°20'17" East, leaving said northwest line of Tract 7, and with the northerly line of said CADG Kaufman 146, LLC tract, a distance of 465.52 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner;

THENCE over and across said CADG Kaufman 146, LLC tract, the following bearings and distances to 5/8 inch iron rods with cap marked "PETITT-RPLS 4087" set for corner:

South 06°39'43" East, a distance of 222.01 feet;

South 68°43'31" East, a distance of 145.05 feet;

North 86°42'10" East, a distance of 198.45 feet;

South 07°44'02" East, a distance of 285.71 feet;

South $42^{\circ}35'50''$ West, a distance of 477.61 feet;

South $15^{\circ}12'36''$ West, a distance of 235.81 feet;

North $78^{\circ}15'28''$ West, a distance of 65.47 feet;

And South $09^{\circ}46'40''$ West, a distance of 165.00 feet, said iron rod being located on said northeasterly right-of-way line of Heartland Parkway (variable width R.O.W. at this point), and being the beginning of a non-tangent curve to the left;

THENCE with said northeasterly right-of-way line of Heartland Parkway, said right-of-way dedicated by Final Plat of Heartland Tract A, Phase 2B, recorded in Cabinet 3, Slide 38, of the Plat Records of Kaufman County, Texas, and with said curve having a central angle of $02^{\circ}09'35''$, a radius of 790.00 feet, a chord which bears North $81^{\circ}18'07''$ West, a chord distance of 29.78 feet, for an arc distance of 29.78 feet to the end of said curve, a 1/2 inch iron rod with cap stamped "DAA" found for corner;

THENCE North $82^{\circ}23'59''$ West, continuing with said northeasterly right-of-way line of Heartland Parkway, a distance of 23.30 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner, and being the beginning of a tangent curve to the right;

THENCE continuing with said northeasterly right-of-way line of Heartland Parkway, and with said curve having a central angle of $10^{\circ}28'32''$, a radius of 300.00 feet, a chord which bears North $77^{\circ}08'39''$ West, a chord distance of 54.77 feet, for an arc distance of 54.85 feet to the end of said curve, a 1/2 inch iron rod with cap stamped "DAA" found for corner, and being the beginning of a tangent reverse curve to the left;

THENCE continuing with said northeasterly right-of-way line of Heartland Parkway, and with said curve having a central angle of $10^{\circ}28'32''$, a radius of 300.00 feet, a chord which bears North $77^{\circ}08'39''$ West, a chord distance of 54.77 feet, for an arc distance of 54.85 feet to the end of said curve, a 1/2 inch iron rod with cap stamped "DAA" found for corner (called 100 foot R.O.W. at this point);

THENCE North $82^{\circ}22'55''$ West, continuing with said northeasterly right-of-way line of Heartland Parkway, a distance of 172.65 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner, and being the beginning of a tangent curve to the right;

THENCE continuing with said northeasterly right-of-way line of Heartland Parkway, and with said curve having a central angle of $38^{\circ}41'30''$, a radius of 950.00 feet, a chord which bears North $63^{\circ}02'10''$ West, a chord distance of 629.41 feet, for an arc distance of 641.53 feet to the end of said curve, a 1/2 inch iron rod with cap stamped "DAA" found for corner;

THENCE North $43^{\circ}41'26''$ West, continuing with said northeasterly right-of-way line of Heartland Parkway, a distance of 249.59 feet to the POINT OF BEGINNING of herein described tract, containing 25.464 acres of land.

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 CADG Kaufman 146, LLC (the "Landowner").

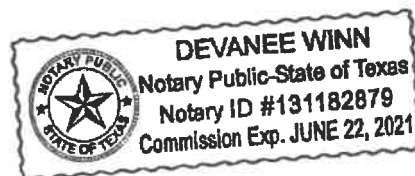
SECTION 1. The undersigned Landowner owns approximately 25.464 acres of real property, (the "Property") located wholly within the extraterritorial jurisdiction (the "ETJ") of the City and not within the ETJ or corporate limit of any other town or city, which property is described by metes and bounds on **Exhibit A** and depicted on **Exhibit B**, each attached hereto and made a 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 Landowner 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 29 day of May, 2018.



South $42^{\circ}35'50''$ West, a distance of 477.61 feet;

South $15^{\circ}12'36''$ West, a distance of 235.81 feet;

North $78^{\circ}15'28''$ West, a distance of 65.47 feet;

And South $09^{\circ}46'40''$ West, a distance of 165.00 feet, said iron rod being located on said northeasterly right-of-way line of Heartland Parkway (variable width R.O.W. at this point), and being the beginning of a non-tangent curve to the left;

THENCE with said northeasterly right-of-way line of Heartland Parkway, said right-of-way dedicated by Final Plat of Heartland Tract A, Phase 2B, recorded in Cabinet 3, Slide 38, of the Plat Records of Kaufman County, Texas, and with said curve having a central angle of $02^{\circ}09'35''$, a radius of 790.00 feet, a chord which bears North $81^{\circ}18'07''$ West, a chord distance of 29.78 feet, for an arc distance of 29.78 feet to the end of said curve, a 1/2 inch iron rod with cap stamped "DAA" found for corner;

THENCE North $82^{\circ}23'59''$ West, continuing with said northeasterly right-of-way line of Heartland Parkway, a distance of 23.30 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner, and being the beginning of a tangent curve to the right;

THENCE continuing with said northeasterly right-of-way line of Heartland Parkway, and with said curve having a central angle of $10^{\circ}28'32''$, a radius of 300.00 feet, a chord which bears North $77^{\circ}08'39''$ West, a chord distance of 54.77 feet, for an arc distance of 54.85 feet to the end of said curve, a 1/2 inch iron rod with cap stamped "DAA" found for corner, and being the beginning of a tangent reverse curve to the left;

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THENCE continuing with said northeasterly right-of-way line of Heartland Parkway, and with said curve having a central angle of $38^{\circ}41'30''$, a radius of 950.00 feet, a chord which bears North $63^{\circ}02'10''$ West, a chord distance of 629.41 feet, for an arc distance of 641.53 feet to the end of said curve, a 1/2 inch iron rod with cap stamped "DAA" found for corner;

THENCE North $43^{\circ}41'26''$ West, continuing with said northeasterly right-of-way line of Heartland Parkway, a distance of 249.59 feet to the POINT OF BEGINNING of herein described tract, containing 25.464 acres of land.

[illegible]

**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.