

# City of Mesquite, Texas

## Legislation Text

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**File #:** 21-5496, **Version:** 1

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Authorize the Mayor to execute a Release and Termination of Agreement For Variance And Development For South Mesquite Creek Corridor.

As Huffines Communities was performing their title due diligence on the South Tract of the Solterra development, the title company discovered an old variance agreement that was filed and recorded in the Dallas County Deed Records on February 8, 2006.

This recorded *Agreement For Variance And Development For South Mesquite Creek Corridor* was approved by the City Council on November 21, 2005, and granted the land owner (the Lucas Family) a variance to the City's Stormwater and Flood Protection Ordinance to waive the requirement to armor portions of South Mesquite Creek that have erosive velocities and to underground stormwater within drainage basins less than 160 acres.

Since this variance was related to the 2002 Lucas Farms development concept under a different developer and is no longer relevant, Huffines and the Lucas Family are requesting that the City file a release of the variance agreement to remove it as an exception from coverage to their title insurance policy.

City Engineering and Planning staff have confirmed that the City no longer needs any of the benefits outlined in the variance, since Solterra will be developed under different standards and conditions agreed upon in the Solterra Development Agreement and a more recent Planned Development District. The City Attorney has also reviewed the form of the Release and Termination Agreement and finds it appropriate and acceptable.

If approved, the Mayor will execute the Release and Termination Agreement and the City Secretary will file the Release with the Dallas County Deed Records.

### **Recommended/Desired Action**

City staff recommends approval of the Release and Termination Agreement.

### **Attachment(s)**

Release and Termination of Agreement

Agreement For Variance And Development For South Mesquite Creek Corridor dated November 21, 2005

### **Drafter**

Ted Chinn

### **Head of Department**

Curt J. Cassidy, P.E., CFM