

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 03-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 44.8168 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Public Hearings were held before the governing body of the City of Rockwall, Texas, where all interested persons were provided with an opportunity to be heard on the proposed annexation of the following described territories;

Being a tract of land situated in the E. Teal Survey, Abstract No. 207, Rockwall County, Texas, including a part of an addition known as Rainbow Lake Estates recorded in Cabinet D, Slide 344; a part of Tract 7, as described in Deed recorded in Volume 184, Page 490, Deed Records, Rockwall County, Texas; an 8.099 acre tract of land described in Deed to Steven D. Himmelreich, recorded in Volume 685, Page 122, Deed Records, Rockwall County, Texas; a 1.8652 acre tract described in Deed to Whittle Development, recorded in Volume 269, Page 45; and a part of that tract of land conveyed to Thomas W. Jones, et al by Deed recorded in Volume 166, Page 410, Deed Records, Rockwall County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the center of Rainbow Road, a County road, at a corner of the City Limits of the City of Rockwall and at the North corner of said Tract 7;

THENCE, With the meanders of Brockway Branch a tributary of Buffalo Creek), the East lines of said Tract 7, and said City Limits line as follows:

South 00°06' 21" East a distance of 183.00 feet;
South 71°36' 01" East a distance of 122.00 feet;
South 03°08' 59" West a distance of 195.00 feet;
South 44°36' 01" East a distance of 146.00 feet;
South 73°23' 59" West a distance of 211.00 feet;
South 20°51' 01" East a distance of 103.00 feet;
South 77°06' 01" East a distance of 250.00 feet;
South 9°06' 01" East a distance of 118.00 feet;
South 41°23' 59" West a distance of 180.00 feet;
South 48°36' 01" East a distance of 92.00 feet;
South 04°53' 59" West a distance of 43.00 feet;
South 88°08' 59" West a distance of 126.00 feet;
South 08°21' 01" East a distance of 218.00 feet; and
South 71°08' 59" West a distance of 87.98 feet to the North corner of said Jones tract.

THENCE, Along the Northeast lines of said Jones Tract and continuing along said City Limits Line as follows:

South 01°25' 42" East a distance of 107.53 feet;
South 54°55' 42" East a distance of 106.99 feet; and

South 24°55' 42" East a distance of 100.58 feet to a point on the common City Limits line of the City of Rockwall and the City of Heath;

THENCE, South 89°25' 57" West a distance of 634.45 feet along said Heath City Limit line to a point in a dry wash and on the Southerly lines of said Tract 7;

THENCE, In a Westerly direction with the meanders of said dry wash and the Southerly lines of said Tract 7 as follows:

South 45°15' 18" West a distance of 22.28 feet;

North 83°12' 42" West a distance of 43.70 feet; and

North 50°58' 42" West a distance of 15.58 feet to a point on the previously mentioned Heath City Limits line;

THENCE, South 89°25' 57" West a distance of 92.46 feet, leaving said dry wash and said Southerly lines of Tract 7, along said Heath City Limits line to a point in said dry wash and said southerly lines;

THENCE, With the meanders of said dry wash and the Southerly lines of said Tract 7 as follows:

South 67°46' 18" West a distance of 99.50 feet; and

North 65°47' 42" West a distance of 87.65 feet to a point on said Heath City Limits line;

THENCE, South 89°25' 57" West a distance of 63.51 feet, leaving said dry wash and said Southerly lines of Tract 7, along said Heath City Limit line to a point in said dry wash and said Southerly Lines;

THENCE, With the meanders of said dry wash and the Southerly lines of said Tract 7 as follows:

South 10°03' 18" West a distance of 12.88 feet; and

North 82°54' 42" West a distance of 94.99 feet to a point on said Heath City Limits Line;

THENCE, South 89°25' 57" West a distance of 325.59 feet, leaving said dry wash and said Southerly lines of Tract 7, along said Heath City Limit line to a point on the projected line of the original West line of White Road;

THENCE, South 00°22' 56" East a distance of 353.97 feet along said projected line of the original White Road to a point at the Eastward projection of the South right-of-way line of White Road;

THENCE, North 89°33' 15" West a distance of 834.28 feet along the south right-of-way line of White Road, to a point being a projection of the west property line of said Himmelreich 8.099 acre tract;

THENCE, along the boundaries of said Himmelreich 8.099 acre tract as follows:

North 00°29' 49" East a distance of 648.33 feet;

North 85°47' 13" West a distance of 215.39 feet;

North 00°29' 49" East a distance of 26.22 feet;

North 41°40' 10" West a distance of 64.88 feet;

South 84°52' 34" West a distance of 52.60 feet;

North 00°29' 49" East a distance of 337.89 feet;

North 84°54' 07" East a distance of 141.09 feet;

South 68°39' 34" East a distance of 442.81 feet; and
South 00°02' 30" East a distance of 581.66 feet to a point being the southwest corner of an addition known as Foxchase Phase Six;

THENCE, North 89°25' 57" East a distance of 525.72 feet to a point within the right-of-way of Tubbs Road, also being a point on the existing Rockwall City Limits line and within the original Rainbow Road;

THENCE, North 31°41' 03" East a distance of 955.02 feet, along Rockwall City Limits line within the said Rainbow Lake Estates Addition to a point for a corner;

THENCE, North 45°08' 44" East a distance of 1131.97 feet continuing with said Rockwall City Limits line to the Point of Beginning and containing approximately 44.8168 acres of land.

On the 18th day of August, 2003, at 6:00 p.m. and on the 18th day of August, 2003, at 6:30 p.m. at City Hall, 385 S. Goliad, Rockwall, Texas said dates being not more than forty nor less than twenty prior to the institution of annexation proceedings; and

WHEREAS, notice of such public hearings was published in a newspaper having general circulation in the City of Rockwall, Texas and in the territory described herein on the 8th day of August, 2003. Said date being not more than twenty nor less than ten days prior to the dates of such public hearings; and

WHEREAS, the territory lies adjacent to and adjoins the present boundaries of the City of Rockwall, Texas; and

WHEREAS, the territory above contains 44.8168 acres;

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

Section 1. That the above recitals are hereby found to be true and correct and incorporated herein for all purposes.


Section 2. The land and territory more specifically described herein and further described on Exhibit "A" attached hereto and made a part hereof, and containing 44.8168 acres which is adjacent to and adjoining the present boundaries of the City of Rockwall, Texas, is hereby added and annexed to the City of Rockwall, Texas and said territory as described herein shall hereafter be included within the boundary limits of the City of Rockwall, Texas and the present boundary limits of the City at the various points contiguous to the areas as described above, are altered and amended so as to include said area within the corporate limits of the City.

Section 3. The above described territory and the acres so annexed shall be a part of the City of Rockwall, Texas, and the inhabitants thereof, if any, shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Rockwall, Texas.

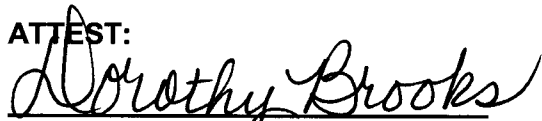
Section 4. That the Service Plan for the area described herein, which was made available for public inspection at the Public Hearings, is hereby approved with a copy of said plan being attached hereto and incorporated herein for all purposes and labeled Exhibit "B".

Section 5. That this ordinance shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Rockwall, Texas.

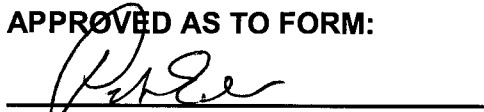
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of October, 2003.



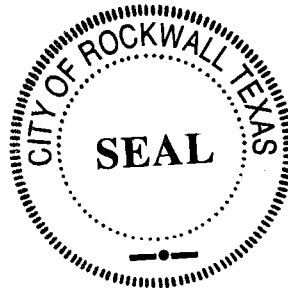
Ken Jones, Mayor

ATTEST:


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:


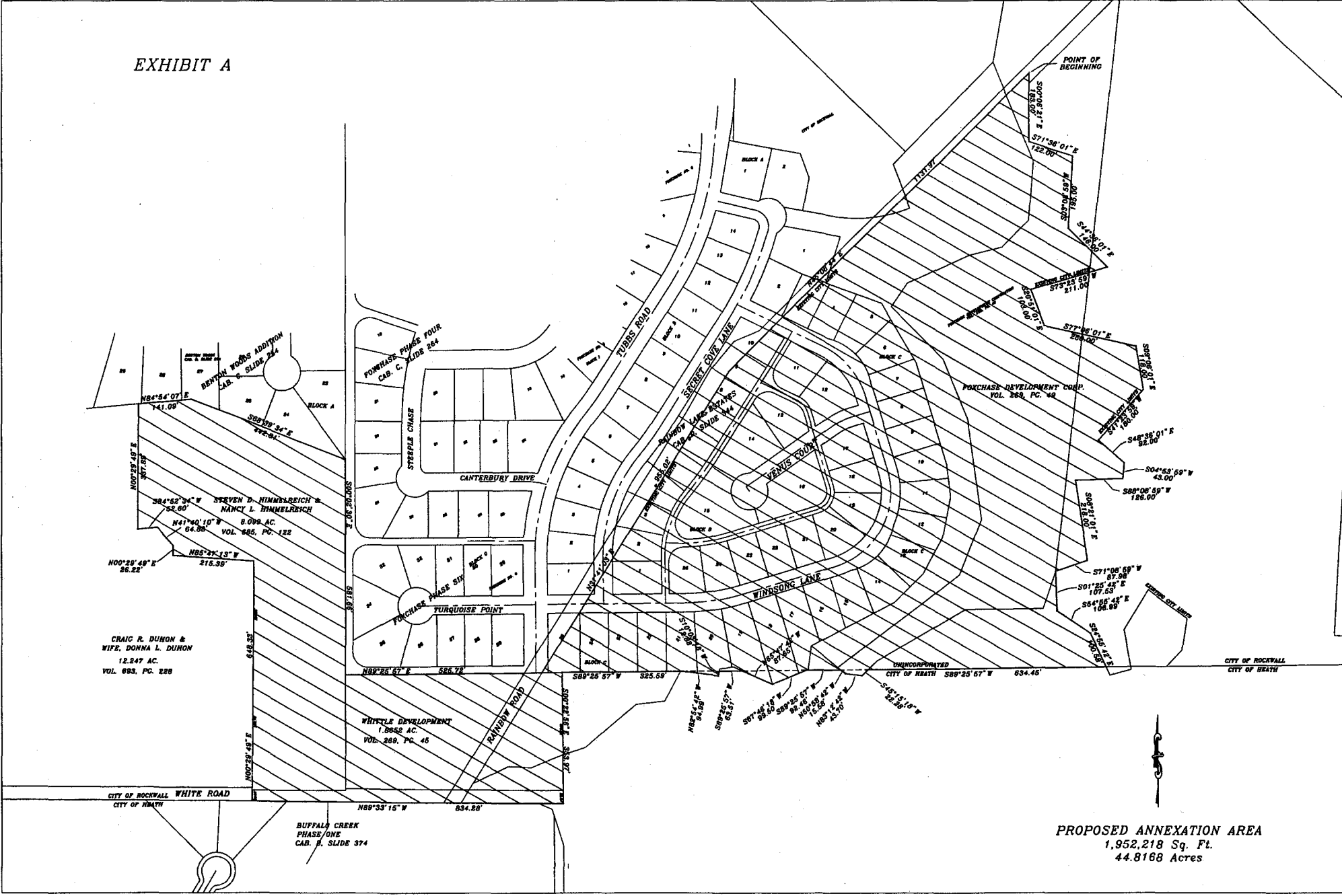
Pete Eckert, City Attorney



1st Reading: September 15, 2003

2nd Reading: October 6, 2003

EXHIBIT A



PROPOSED ANNEXATION AREA
1,952,218 Sq. Ft.
44.8168 Acres

EXHIBIT "B" TO ORDINANCE NO. _____ CITY OF ROCKWALL, ROCKWALL
COUNTY TEXAS SERVICE PLAN FOR ANNEXED AREA ANNEXATION CASE
NO. _____

ACREAGE ANNEXED:

Rainbow Lake Estates Area = 44.8168 acres

SURVEY ABSTRACT AND COUNTY:

Being a tract of land situated in the E. Teal Survey, Abstract No. 207, Rockwall County, Texas, including a part of an addition known as Rainbow Lake Estates recorded in Cabinet D, Slide 344; a part of Tract 7, as described in Deed recorded in Volume 184, Page 490, Deed Records, Rockwall County, Texas; an 8.099 acre tract of land described in Deed to Steven D, Himmelreich, recorded in Volume 685, Page 122, Deed Records, Rockwall County, Texas; a 1.8652 acre tract described in Deed to Whittle Development, recorded in Volume 269, Page 45; and a part of that tract of land conveyed to Thomas W. Jones, et al by Deed recorded in Volume 166, Page 410, Deed Records, Rockwall County, Texas; and being more particularly described by metes and bounds as follows:

DATE OF ADOPTION OF ANNEXATION ORDINANCE: _____
Date

Municipal services to the acreage described above shall be furnished by or on behalf of the City of Rockwall, Texas, at the following levels and in accordance with the following schedule:

A. POLICE SERVICES:

1. Patrolling, responses to calls, and other routine police services, within the limits of existing personnel and equipment, will be provided within 60 days of the effective date of annexation.
2. As development and construction commence within this area, sufficient police personnel and equipment will be provided to continue to furnish this area the level of police services consistent with police services available in other parts of the City with land uses and population densities similar to those projected in the annexed area.

B. Fire Services

1. Fire protection by the present personnel and the present equipment of the fire

Department, within the limitations of available water and distances from existing fire stations, will be provided to this area within 60 days of the effective date of annexation.

2. As development and construction commences within this area, sufficient fire personnel and equipment will be provided to continue to furnish this area the level of fire services consistent with fire service available in other parts of the City with land uses and population densities similar to those projected in the annexed area.

C. Health and Code Compliance Services

1. Enforcement of the City's health ordinances and regulations including, but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances, food handlers ordinances and animal control ordinances, shall be provided within this area on the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.

Complaints of ordinance or regulation violations within this area will be responded and investigated by existing personnel beginning with the effective date of the annexation ordinance.

2. The City's building, plumbing, electrical, gas heating, air conditioning and all other construction codes will be enforced within this area beginning with the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
3. The City's zoning, subdivision, and other ordinances shall be enforced in this area beginning on the effective date of the annexation ordinance.
4. All inspection services furnished by the City of Rockwall, but not mentioned above, will be provided to this area beginning on the effective date of the annexation ordinance. Any property owner or his/her assigns who in good faith has a new building or structure, as defined in the Comprehensive Zoning Ordinance, under construction on the effective date of annexation shall be exempted from these inspections for that building or structure under construction for a period of one year from the effective date of annexation. For the purpose of this ordinance "under construction" shall mean any work that requires a building permit from the City of Rockwall.
5. As development and construction commence within this area, sufficient personnel will be provided to continue to furnish this area the same level of Health and Code compliance services as are furnished throughout the City.

D. Planning and Zoning Services

1. The planning and zoning jurisdiction of the City will extend to this area on the

effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Plan, Zoning Ordinance, Landscape Ordinance and Code of Ordinances.

E. Recreation and Leisure Services

1. Residents of this property may utilize all existing recreational and leisure services facilities and sites throughout the City beginning with the effective date of the annexation ordinance.
2. Existing parks, playgrounds, swimming pools and other recreation and leisure facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Rockwall.

F. Solid Waste Collection

1. Solid waste collection shall be provided to the property owner in accordance with existing City policies as to frequency and charges, beginning within 60 days of the effective date of annexation.

G. Streets

1. The City of Rockwall's existing policies with regard to street maintenance, applicable throughout the entire City, shall apply to this property beginning within 60 days of the effective date of the annexation ordinance.
2. As development, improvements or construction of streets to the City standards commence within this property, the policies of the City of Rockwall with regard to impact fees and participation in the cost thereof, acceptance upon completion, and maintenance after completion, shall apply.
3. The same level of maintenance shall be provided to streets within this property that have been accepted by the City of Rockwall as is provided to like City streets throughout the City.

H. Water Services

1. Connection to existing City water mains for water services for domestic, commercial and industrial use within this property will be provided in accordance with existing City policies. Upon connection to existing mains, water will be provided at rates established by City ordinance for such services throughout the City.
2. Water mains of the City will be extended in accordance with provisions of the Code of Ordinances and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations and will be provided as otherwise

available in other parts of the City with topography, land uses, population densities similar to those reasonably contemplated or projected in the annexed area.

3. Water mains which are within the annexed area and are owned and operated by the City shall be maintained beginning with the effective date of the annexation ordinance or upon acquisition by the City.
4. Private water lines within this property shall be maintained by their owners, in accordance with existing policies applicable throughout the City.

I. Sanitary Sewer Services

1. Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with the existing City policies. Upon connection, sanitary sewage service will be provided at rates established by City ordinances for such services throughout the City.
2. Sanitary sewer mains and/or lift stations which are within the annexed area and are connected to City mains shall be maintained by the City of Rockwall beginning with the effective date of the annexation ordinance or upon acquisition by the City.
3. Sanitary sewer mains of the City will be extended in accordance with the provisions of the Code of Ordinances and engineering standards and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations and will be provided as otherwise available in other parts of the City with topography, land uses, and population densities similar to those reasonably contemplated or projected in the area.
4. Previously granted exceptions to the requirements of connections to the city's sanitary sewer treatment system shall be continued until such alternate systems are determined to no longer function to meet the sanitary sewer needs of the subdivision granted the exception.

J. Public Utilities

1. Other public utilities will be provided by the City's franchisee or a provider holding a certificate of convenience issued by the state to serve that area.

K. Miscellaneous

1. General municipal administration services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.