

CITY OF ROCKWALL

ORDINANCE NO. 04-20

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 23.02 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 territory:

BEING, A TRACT OF LAND SITUATED IN THE J.R. JOHNSON SURVEY, ABSTRACT NO. 128, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A POINT ON THE CURRENT CITY LIMITS PER ORDINANCE NO. 86-37, SAID POINT BEING ON THE NORTHWEST LINE OF A CALLED 23.27 ACRE TRACT AS CONVEYED TO J & S EXPO AS RECORDED IN VOLUME 1406, PAGE 201, OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND ALSO BEING ON THE SOUTHEAST LINE OF 205 BUSINESS PARK (UNRECORDED), SAID POINT BEING SOUTH 43°17'54" EAST, A DISTANCE OF 898.78 FEET FROM THE SOUTHERLY LINE OF MIMS ROAD;

TENCE, SOUTH 43°17'54" EAST, ALONG THE SOUTHWEST LINE OF THE CURRENT CITY LIMITS PER ORDINANCE NO. 86-37, A DISTANCE OF 40.00 FEET TO A POINT; TENCE, SOUTH 46°11'39" WEST, LEAVING THE CURRENT CITY LIMITS AND ALONG A SOUTHEAST LINE OF SAID J & S EXPO TRACT, A DISTANCE OF 551.29 FEET TO A POINT;

TENCE, SOUTH 31°48'42" EAST, ALONG A NORTHEAST LINE OF SAID J & S EXPO TRACT, A DISTANCE OF 482.00 FEET TO A POINT ON THE NORTHERLY LINE OF A CALLED 7.00 ACRE TRACT AS RECORDED IN VOLUME 795, PAGE 229, OF SAID DEED RECORDS;

TENCE, SOUTH 88°48'02" WEST, ALONG THE NORTH LINE OF SAID 7.00 ACRE TRACT, A DISTANCE OF 281.23 FEET TO THE NORTHWEST CORNER OF SAME;

TENCE, SOUTH 00°20'58" EAST, ALONG THE WEST LINE OF SAID 7.00 ACRE TRACT, A DISTANCE OF 563.79 FEET TO A POINT ON THE NORTHERLY LINE OF A CALLED 60 ACRE TRACT AS CONVEYED TO NAN A. SMARTT, JULIANA BOND AND W.I. LOFLAND AS RECORDED IN VOLUME 98, PAGE 759, OF SAID DEED RECORDS;

TENCE, SOUTH 88°51'58" WEST, ALONG THE NORTH LINE OF SAID 60 ACRE TRACT, A DISTANCE OF 1233.39 FEET TO A POINT AT THE SOUTHEAST CORNER OF A CALLED 140.5 ACRE TRACT AS CONVEYED TO VICTOR M. WALLACE AND EVELYN LOFLAND AS RECORDED IN VOLUME 64, PAGE 370 OF SAID DEED RECORDS, SAME BEING THE WEST LINE OF SAID J & S EXPO TRACT;

THENCE, NORTH 00°00'33" WEST, ALONG THE WEST LINE OF SAID J & S EXPO TRACT, A DISTANCE OF 707.35 FEET TO THE NORTHWEST CORNER OF SAME, AND ALSO BEING THE SOUTHWEST CORNER OF SAID 205 BUSINESS PARK (UNRECORDED);

THENCE, ALONG THE COMMON LINE OF SAID 205 BUSINESS PARK (UNRECORDED) AND THE J & S EXPO TRACT, THE FOLLOWING:

NORTH 89°14'18" EAST, A DISTANCE OF 902.83 FEET TO A POINT;

NORTH 46°11'39" EAST, A DISTANCE OF 1003.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 23.02 ACRES OF LAND.

On the 1st day of December, 2003, at 6:00 p.m. and on the 15th day of December, 2003, at 6:00 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 19th day of November 2003 and on the 3rd day of December 2003. Said dates 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, notice was not able to be posted on the City's internet website in that the website was not functioning or operational on the dates of the notice as aforesaid; and

WHEREAS, the territory above contains 23.02 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 23.02 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".

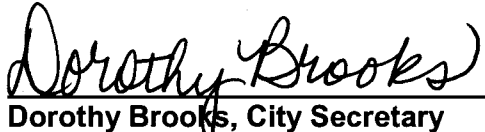
Section 5. That this ordinance shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Rockwall, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 22nd day of March, 2004.



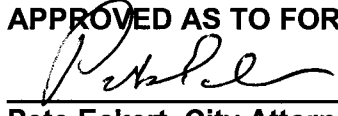
Ken Jones, Mayor

ATTEST:



Dorothy Brooks, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 01-05-04 _____

2nd Reading: 03-22-04 _____

EXHIBIT A

LEGAL DESCRIPTION

BEING, A TRACT OF LAND SITUATED IN THE J.R. JOHNSON SURVEY, ABSTRACT NO. 128, ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A POINT ON THE CURRENT CITY LIMITS PER ORDINANCE NO. 86-37, SAID POINT BEING ON THE NORTHWEST LINE OF A CALLED 23.27 ACRE TRACT AS CONVEYED TO J & S EXPO AS RECORDED IN VOLUME 1406, PAGE 201, OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND ALSO BEING ON THE SOUTHEAST LINE OF 205 BUSINESS PARK (UNRECORDED), SAID POINT BEING SOUTH 43°17'54" EAST, A DISTANCE OF 898.78 FEET FROM THE SOUTHERLY LINE OF MIMS ROAD;

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EXHIBIT "B" TO ORDINANCE NO. 04-20 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SERVICE PLAN FOR ANNEXED AREA ANNEXATION CASE NO. A2003-002

ACREAGE ANNEXED:

Area = 23.02 acres

SURVEY ABSTRACT AND COUNTY:

Being a 23.02 acre tract of land situated in the J.R. Johnson Survey, Abstract No. 128, Rockwall County, Texas, and being more particularly described by metes and bounds as attached.

DATE OF ADOPTION OF ANNEXATION ORDINANCE: 03/22/04
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.

Annexation Schedule

October 20, 2003 – Annexation presented to City Council for approval to proceed

October 31, 2003 – Notice of Public Hearing mailed to property owners

November 14, 2003 – Notice Sent to Paper for publication

November 19, 2003 - Notification Appears in Newspaper for Public Hearing (< 20 and > 10 days before public hearing) Obtain required affidavit of publication from paper

December 1, 2003 - First Public Hearing (< 40 and > 20 days before 1st reading)

November 28, 2003 – Notice Sent to Paper for publication

December 3, 2003 - Notification Appears in Newspaper for Public Hearing (< 20 and > 10 days before public hearing) Obtain required affidavit of publication from paper

December 15, 2003 - Second Public Hearing (< 40 and > 20 days before 1st reading)

January 5, 2004 - City Council Approve Annexation Ordinance (**First Reading**)

January 20, 2004 - City Council Final Approval. (**Second Reading**)

April 5, 2004- Annexation Proceedings Must Be Completed Within 90 Days of First Reading of Ordinance (1/05/04)

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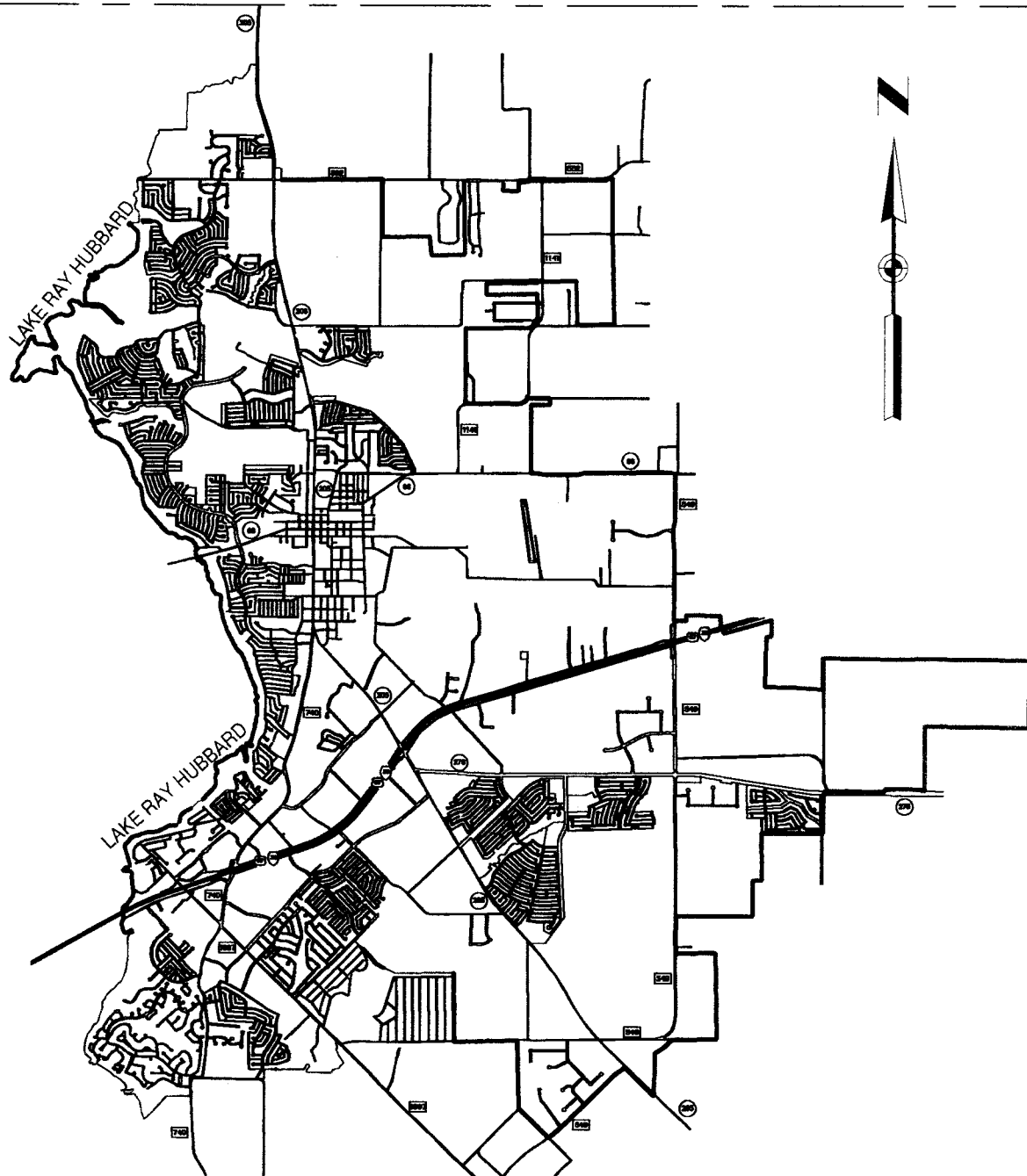
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CITY OF ROCKWALL

CITY LIMIT MAP