

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 04-63

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 49.62 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 49.62 acre tract of land out of the Moses Simmons Survey, Abstract No. 194, and being a portion of 100 acre tract of land conveyed to Henry J. Eidt, Jr. and wife Margaret E. Eidt, as recorded in Volume 54, Page 11, of the Deed Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the South R.O.W. line of F.M. 552 (80' R.O.W.) said point also being in the North City Limit line of Rockwall, Texas, said point also being S0°59'45"E, a distance of 80.0 feet from the Southwesterly most corner of a 47.31 acre tract of land owned by said Henry J. Eidt, Jr. and wife Margaret E. Eidt;

THENCE N0°59'45"W, a distance of 1299.88 feet to a point for a corner said point being the Northwesterly most corner of said tract;

THENCE N89°21'32"E, along the North line of said tract and the South line of a tract of land described in deed to Steven E. Rinner, as recorded in Volume 145, Page 796, of Deed Records of Rockwall County, Texas for a distance of 1662.15 feet to a point for a corner at the Northeasterly most corner of said tract said point also being in the West line of a tract of land described in deed to Wilbur L. Dennis and wife Lavonne Dennis as recorded in Volume 95, Page 149, of said Deed Records;

THENCE S0°59'45"E, along the East line of said tract and the West line of said tract for a distance of 1302.01 feet to a point for a corner in the said South line of F.M. 552 and the said North City Limit line of Rockwall, Texas;

THENCE S89°25'56"W, along the said South line of F.M. 552 and the said North City Limit line for a distance of 1661.52 feet to the Point of Beginning and containing 49.62 acres (2,161,447 square feet) of land more or less.

On the 20th day of September, 2004, at 6:15 p.m. and on the 20th day of September, 2004, at 6:45 p.m. at City Hall, 385 S. Goliad, Rockwall, Texas said dates being not more than forty nor less than twenty days 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 9th day of September, 2004 and posted on the City of Rockwall Internet site on the 9th day of September, 2004 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, the territory above contains 49.62 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 49.62 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. That the official map of the City is hereby amended to reflect the addition of the property described herein.

Section 4. 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.

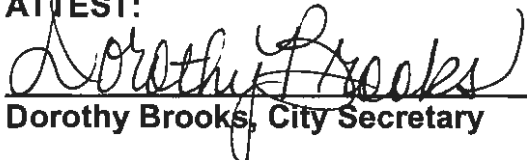
Section 5. That the Service Plan for the area described herein, which was made available for public inspection at the Public Hearings, is hereby approved with a copy of said plan being attached hereto and incorporated herein for all purposes and labeled Exhibit "B".

Section 6. 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 3rd day of January, 2005.



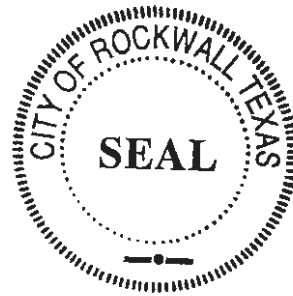
Ken Jones, Mayor

ATTEST:


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney



1st Reading: October 25, 2004

2nd Reading: January 3, 2005

Tract 38 - 10.0 Ac.
Henry Rohrbacker

Tract 38-1 - 39.803 Acs.
Clyde N. & Christy Jones

Steven E. Rinner
(Vol. 145, Page 796, D.R.R.C.T.)

Wilbur L. Dennis
& LaVonne Dennis
(Vol. 95, Pg. 149,
D.R.R.C.T.)

Henry J. Eidt, Jr. & wife
Margaret E. Eidt

Tract 3
49.62 Acre Tract
Annexation

F.M. 552

RED VALLEY RUN

Anna Cade Road

N00°59'45"W

1299.88'

N89°21'32"E

1662.15'

S00°59'45"E

1302.01'

S89°25'56"W

1661.52'

Scale: 1" = 400'

ROCKWALL
CITY LIMIT

Exhibit "A"

AMENDED SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2004-004
City and County of Rockwall, Texas

ACREAGE ANNEXED:

Tract B = 49.62 acres

SURVEY ABSTRACT AND COUNTY:

Tract B

BEING a 49.62 acre tract of land situated in the M. Simmons Survey, Abstract No. 194, in the County of Rockwall, Texas and being more particularly described by metes and bounds as attached:

DATE OF ADOPTION OF ANNEXATION ORDINANCE: January 3, 2005
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 will be provided on 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 will be provided to this area on 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 on the effective date of annexation except for properties that are served by a privately owned solid waste management service provider. Such properties will be allowed to continue private service for a period of two years from the effective date of annexation at which time the property will be required to begin service with a franchised solid waste contractor within the City of Rockwall.

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. The City's water system has sufficient capacity to provide water for domestic and fire protection to the area in conformity with established City standards. The City has a 16-inch water line located along FM 552, at the Stoney Hollow Subdivision, west of the annexed area. However, the majority of Area B lies within the certificated water service area of the Mount Zion Water Supply Company; the City thus is unable to provide service within such area without the express consent of Mount Zion. A small portion of the east part of area B is not within any entity's certificated water service area, and at present consists of vacant land. Upon approval of development within the area, or at the latest within 2.5 years of the effective date of annexation, the City will extend or have extended, the existing water main located along Highway 552 to the north side of the highway to a point within the annexed area. The developer or property owner within the annexed area and outside the area certificated to Mount Zion shall be responsible for the costs of extending the mains and constructing water system improvements to serve the development within the annexed territory, consistent with existing City policies, and subject to existing City participation policies in oversize costs and pro rata fee rebates.

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. It is anticipated that the great majority of the land in the area to be annexed will be developed as large lots or tracts over the next ten (10) years, except for the southern portion of the area, and will be served by on-site sewage disposal facilities, similar to areas presently within the City like the Oaks of Buffalo Way, Willowcrest Estates, and Rolling Meadows Subdivisions. If higher density development is proposed within the area, the service plan may be amended to reflect provision of sanitary sewer service consistent with planned treatment plant capacities.
2. Sewer capacity adequate to serve the area in accordance with established city standards at the planned density of 2.0 dwelling units per gross acre shall be made available at either the Squabble Creek treatment facility, or at a new treatment plant (Sabine Creek) within 2.5 years of the effective date of the annexation. Existing capacity in the Squabble Creek Treatment facility presently is limited to approximately 1940 connections, which is subject to other demands for services from approved developments and projects in the development pipeline. By 2007, however, the City will effectively enlarge the capacity of the plant by constructing a lift station and force main to pump a portion of the waste water flows to the Sabine Creek Treatment Plant, to provide the capacity needed to serve the remainder of the area to be annexed based on estimated sewage flows of projected development.
3. There is an existing sanitary sewer collection main located at the Stoney Hollow Subdivision with the capacity to transmit sewage flows at the planned density to the Squabble Creek plant treatment facility. To the extent that sewer service will be provided at the planned Sabine Creek treatment facility, the City will extend a collection main with the capacity to transmit sewage flows at the planned density from the Sabine Creek plant to the Camp Creek Lift Station then extend or have extended a collection line to the western annexation boundary.
4. Developers or property owners within the area to be annexed must extend wastewater lines from the point(s) of connection described in subsection (2 and 3) to and within their developments at their own initial cost, subject to City participation in oversize costs and pro rata fee rebates, in accordance with existing city policies.

5. 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. Sewer service for this area shall be directed to the Squabble Creek Sewer Plant as indicated in the adopted master sewer plan or as amended in the future.
6. 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.

A2004-004 Annexation Schedule

August 16, 2004 - Annexation presented to City Council for approval to proceed

August 19, 2004 - Notice of Public Hearing mailed to property owners

September 3, 2004 - Notice Sent to Paper for publication

September 9, 2004 - Notification Appears in Newspaper for Public Hearings (< 20 and > 10 days before public hearings). Obtain required affidavit of publication from paper

September 9, 2004 - Notification is posted on Internet (< 20 & > 10 days before public hearings)

September 20, 2004 - First and Second Public Hearings (< 40 and > 20 days before 1st reading)

October 25, 2004 - City Council Approve Annexation Ordinance (**First Reading**)

January 3, 2005 - City Council Final Approval. (**Second Reading**)

January 18, 2005 - Annexation Proceedings Must Be Completed Within 90 Days of First Reading of Ordinance (10/18/04)

Legal Description for
Tract B Annexation (See Exhibit "A")

BEING a 49.62 acre tract of land out of the Moses Simmons Survey, Abstract No. 194, and being a portion of 100 acre tract of land conveyed to Henry J. Eidt, Jr. and wife Margaret E. Eidt, as recorded in Volume 54, Page 11, of the Deed Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

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THENCE N0°59'45"W, a distance of 1299.88 feet to a point for a corner said point being the Northwesterly most corner of said tract;

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