

**CITY OF ROCKWALL**

**ORDINANCE NO. 05-53**

**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 24.147 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 24.147 acre tract of land situated in the J. Simmon Survey, Abstract No. 190, the J. Strickland Survey, Abstract No. 187, J.E. Sherwood Survey, Abstract No. 206, M. Simmons Survey, Abstract No. 197 and the J. Smith Survey, Abstract No. 191 in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point for a corner at the Northwesterly most corner of Tract 3, a 47.31 acre tract of land owned by William H. Eidt, said point also being on the South line of Tract 3-1, a 17.61 acre tract of land owned by Steve Rinner;

THENCE S87°16'30"W, along the South line of said Tract 3-1 for a distance of 318.92 feet to a point for a corner at the Southwesterly most corner of said Tract 3-1, said point also being in the East line of Anna Cade Road;

THENCE N00°55'01"W, along the said East line of Anna Cade Road and the West line of said Tract 3-1 and the West line of Tract 38, a 10.0 acre tract of land owned by Henry Rohrbacker for a distance of 1305.33 feet to a point for a corner at the Northwesterly most corner of said Tract 38;

THENCE N88°40'06"E, along the North line of said Tract 38 and crossing the Northeasterly most corner of said Tract 38 for a distance of 634.44 feet to a point for a corner at the Southwesterly most corner of Tract 5, a 50.077 acre tract of land owned by Lloyd Acker Family, LTD;

THENCE N0°41'34"W, along the West line of said Tract 5 for a distance of 1309.20 feet to a point for a corner at the Northwesterly most corner of said Tract 5;

THENCE N89°49'18"E, along the North line of said Tract 5 for a distance of 1931.15 feet to a point for a corner at the Northeasterly most corner of said Tract 5;

THENCE N0°39'30"W, along the West line of Tract 2, a 24.378 acre tract of land as owned by Carl Glaze, Et Ux for a distance of 101.56 feet to a point for a corner at the Northwesterly most corner of said Tract 2;

THENCE N89°20'30"E, along the North line of said Tract 2, the North line of Tract 1-01, an 18.498 acre tract of land owned by Carl Glaze, Et Ux and the North line of Tract 2-1, an 18.830 acre tract of land owned by Beth & Randy Talley for a distance of 1992.11 feet to a point for a corner at the Southwesterly most corner of Tract 7, a 91.10 acre tract of land owned by Jack H. & Elizabeth Hittson, said point also being in the East line of Old Millwood Road;

THENCE N04°50'24"E, along the said East line of Old Millwood and following along the West line of said Tract 7 for a distance of 2000.50 feet to a point for a corner at the Northwesterly most corner of said Tract 7 said point also being in the County Line of Rockwall County and Collin County;

THENCE East, along the said County Line and the North line of said Tract 7 for a distance of 1775.29 feet to a point for a corner at the Northeasterly most corner of said Tract7;

THENCE S0°10'35"W, along the East line of said Tract 7 for a distance of 1000.00 feet to a point for a corner;

THENCE West, departing the said East line of Tract 7 for a distance of 1000.00 feet to a point for a corner;

THENCE N0°10'35"E, for a distance of 995.00 feet to a point for a corner;

THENCE West, along a line that is 5.0 feet South of and parallel to the said County Line and the said North line of Tract 7 for a distance of 770.62 feet to a point for a corner;

THENCE S04°50'24"W, along a line that is 5.0 feet from and parallel to the said East line of Old Millwood for a distance of 2000.29 feet to a point for a corner;

THENCE S89°20'30"W along a line that is 5.0 feet South of and parallel to the said North line of Tract 2-1, Tract 1-01, and Tract 2 for a distance of 1991.65 feet to a point for a corner;

THENCE S0°39'30"E for a distance of 101.60 feet to a point for a corner;

THENCE S89°49'18"W, for a distance of 1931.15 feet to a point for a corner;

THENCE S0°41'34"E, along a line that is 5.0 feet from and running parallel to the said West line of Tract 5 for a distance of 1309.10 feet to a point for a corner;

THENCE S88°40'06"W, along a line that is 5.0 feet from and running parallel to the said North line of Tract 38 and 38-1 for a distance of 634.42 feet to a point for a corner;

THENCE S0°55'01"E, along a line that is 5.0 feet from and running parallel to the said West line of Tract 38 and Tract 3-1 for a distance of 1295.21 feet to a point for a corner;

THENCE N87°16'30"E, along a line that is 5.0 feet from and running parallel to the said South line of Tract 3-1 for a distance of 314.0 feet to a point for a corner;

THENCE S0°00'32"E, for a distance of 5.01 feet to the Point of Beginning and containing 24.147 acres (1,051,843 square feet) of land more or less.

On the 6<sup>th</sup> day of June, 2005, at 6:00 p.m. and on the 6<sup>th</sup> day of June, 2005, at 6:30 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 25<sup>th</sup> day of May, 2005 and posted on the City of Rockwall Internet site on the 25<sup>th</sup> day of May, 2005 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 24.147 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 as Exhibit "A" attached hereto and made a part hereof, and containing 24.147 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 both the narrow strip annexation area and the 1,000 foot block 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.

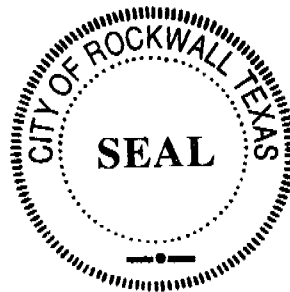
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
TEXAS, this 3rd day of October, 2005.

William R. Cecil  
William R. Cecil, Mayor

ATTEST:  
Dorothy Brooks  
Dorothy Brooks, City Secretary

APPROVED AS TO FORM:  
Pete Eckert  
Pete Eckert, City Attorney

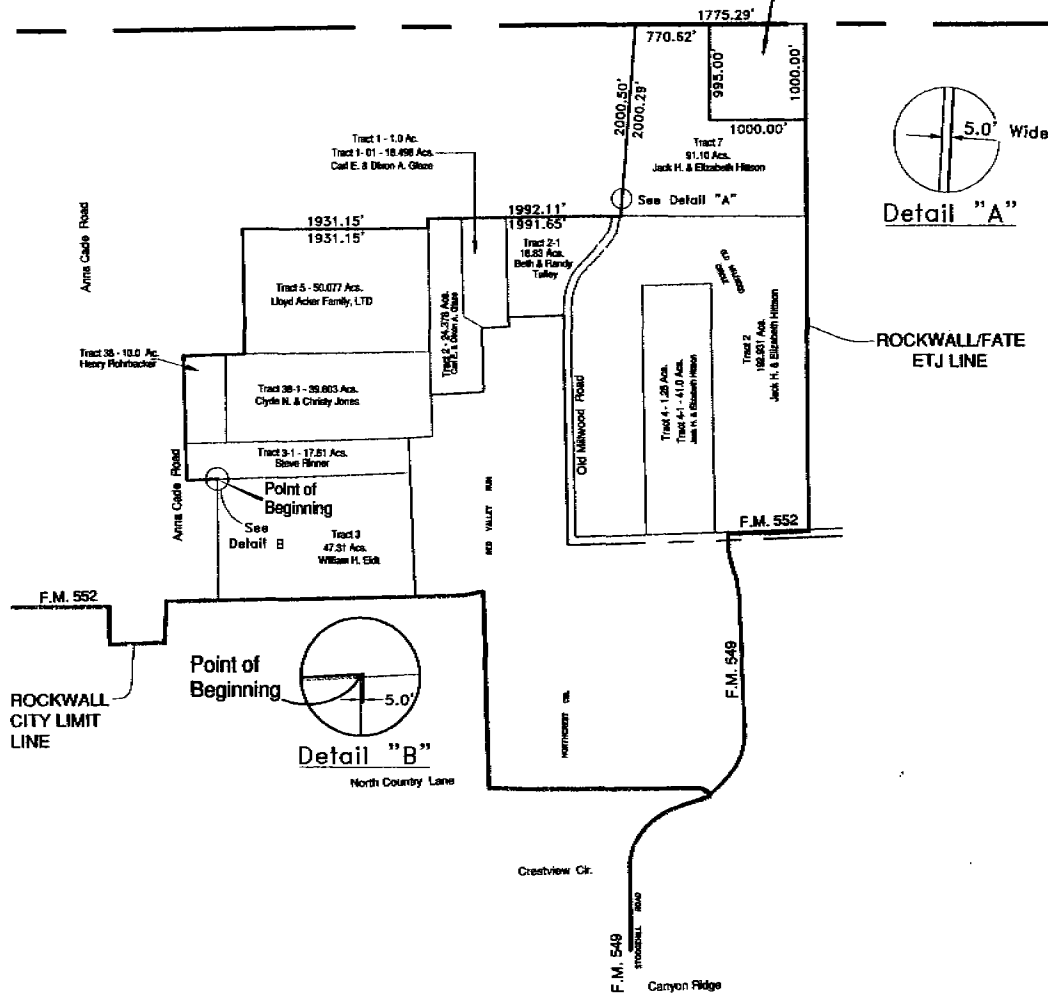
1<sup>st</sup> Reading: 7-11-05  
2<sup>nd</sup> Reading: 10-3-05



Tract C  
24.147 Acre Tract  
Annexation

COLLIN COUNTY  
ROCKWALL COUNTY

EXHIBIT "A"  
A2005-001 (24.147-Acre Annexation)



CITY OF ROCKWALL, TEXAS	
PROPOSED 24.147 ACRE TRACT TRACT C ANNEXATION	
BIRKHOFF, HENDRICKS & CONWAY, L.L.P. CONSULTING ENGINEERS DALLAS, TEXAS	NOV., 2004

## SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2005-001  
City and County of Rockwall, Texas

### ACREAGE ANNEXED:

24.147 acres (Overall)

### SURVEY ABSTRACT AND COUNTY:

BEING a 24.147 acre tract of land situated in the J. Simmon Survey, Abstract No. 190, the J. Strickland Survey, Abstract No. 187, J.E. Sherwood Survey, Abstract No. 206, M. Simmons Survey, Abstract No. 197 and the J. Smith Survey, Abstract No. 191 in the County of Rockwall, Texas and being more particularly described by metes and bounds as attached.

**DATE OF ADOPTION OF ANNEXATION ORDINANCE:** October 3, 2005  
Date

### SERVICE PLAN FOR "NARROW STRIP ANNEXATION AREA"

Municipal Services to the Annexed Property shall be furnished by or on behalf of the City of Rockwall, Texas, however, due to the limitations of serving the narrow strip annexation area and that the strip is not considered variable economic unit, that area will not receive City services at this time, including ordinance and code enforcement, as more particularly described and in accordance with the following schedule:

#### A. Police Services and Fire Services

The Annexed Property is so narrow and comprises such a small area that the provision of ongoing police and fire services is neither practical nor necessary and will not be requested by owners unless and until the adjacent property belonging to owners is annexed. As and when the adjacent property belonging to owners is annexed the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property. In the event a specific crime is committed on the Annexed Property, the Rockwall Police Department will cooperate with the Rockwall County Sheriff regarding investigation and arrest.

#### B. Health and Code Compliance Services

The Annexed Property is so narrow or comprises such a small area that it cannot be used independently under any of the City's development control ordinances, or other regulatory ordinances, so that such ordinances shall not be enforced in said area. As and when the adjacent property belonging to owners is annexed the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property. The City recognizes that owners engage in a variety of organically based practices to control mosquito populations and that insecticide fogging is inconsistent with those practices. Therefore, the City agrees not to engage in insect fogging on the annexed Property.

**C. Planning and Zoning**

The Annexed Property is so narrow or comprises such a small area that it cannot be used independently under any of the City's development control ordinances, or other regulatory ordinances, so that such ordinances shall not be enforced in said area. As and when the adjacent property belonging to owners is annexed the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property.

**D. Recreation and Leisure Services**

The Annexed Property is so narrow and comprises such a small area that there will be no residents on the tract. These services will not be requested unless and until the adjacent property belonging to owners is annexed. At that time, the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property.

**E. Solid Waste Collection**

The Annexed Property is so narrow and comprises such a small area that there will be no residents on the tract. These services will not be requested unless and until the adjacent property belonging to owners is annexed. At that time, the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property.

**F. Streets**

There are no streets on the Annexed Property. The Annexed Property is so narrow and comprises such a small area that there will be no residents on the tract. These services will not be requested unless and until the adjacent property belonging to owners is annexed. At that time, the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property.

**G. Water and Sanitary Sewer Services**

The Annexed Property is so narrow and comprises such a small area that the provision of water and sanitary sewer services is neither practical nor necessary and will not be requested by owners unless and until the adjacent property belonging to owners is annexed. At that time, the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property.

**H. Public Utilities**

The Annexed Property is so narrow and comprises such a small area that the provision of public utility services is neither practical nor necessary and will not be requested by owners unless and until the adjacent property belonging to owners is annexed. At that time, the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property.

**I. Miscellaneous**

The Annexed Property is so narrow or comprises such a small area that it cannot be used independently under any of the City's development control ordinances, or other regulatory ordinances, so that such ordinances shall not be enforced in said area. As and when the adjacent property belonging to owners is annexed the service plan provisions regarding these matters adopted as to that property shall apply to the Annexed Property. If, despite the foregoing, there is any legitimate reason for any city employee or representative to enter the Annexed Property, that will be done only with advance permission and arrangement with owners.

This Service Plan will remain in effect for the duration of the term of the Development Agreement between Owners and the City entered into contemporaneously with filing to the Annexation Petition pursuant to which the Annexed Property is being annexed and to which the Annexed Petition is attached as an Exhibit.

**SERVICE PLAN FOR "1,000 FOOT BLOCK" (i.e. Hittson property)**

Municipal services to the acreage described above shall be furnished by or on behalf of the City of Rockwall, Texas, however due to the limitations of serving the narrow strip annexation area and that the strip area is not considered a viable economic unit, any portion of that area will not receive City services at this time, including ordinance and code enforcement; the remaining area of annexation (1,000 foot block) will receive the following levels of service 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 on a call in basis only until the remainder of the tract is annexed.

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. Mutual agreements between the City of Rockwall and the current property owners within the area of annexation have suspended the requirements for water service to the affected area.

**I. Sanitary Sewer Services**

1. Mutual agreements between the City of Rockwall and the current property owners within the area of annexation have suspended the requirements for sewer service to the affected area.

**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.

**L. Duration**

1. This Service Plan will remain in effect for the term of the Development Agreement between Owners and the City entered into contemporaneously with the filing to this Annexation Petition pursuant to which the Annexed Property is being annexed.

## A2005-001 Annexation Schedule

May 2, 2005 - Annexation presented to City Council for approval to proceed

May 6, 2005 - Notice of Public Hearing mailed to property owners

May 20, 2005 - Notice Sent to Paper for publication

May 25, 2005 - Notification Appears in Newspaper for Public Hearings (< 20 and > 10 days before public hearings). Obtain required affidavit of publication from paper

May 25, 2005 - Notification is posted on Internet (< 20 & > 10 days before public hearings)

June 6, 2005 - First and Second Public Hearings (< 40 and > 20 days before 1<sup>st</sup> reading)

July 11, 2005 - City Council Approve Annexation Ordinance (**First Reading**)

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

October 11, 2005 - Annexation Proceedings Must Be Completed Within 90 Days of First Reading of Ordinance (7/11/05)



U.S. Department of Justice

Civil Rights Division

**COPY**

~~12-27-05P05:15 RCVD~~

JKT:MSR:SMC:tgf  
DJ 166-012-3  
2005-4102

*Voting Section - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

December 21, 2005

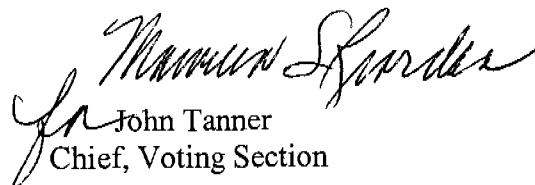
Ms. Dorothy Brooks  
City Secretary  
385 South Goliad  
Rockwall, Texas 75087

Dear Ms. Brooks:

This refers to two annexations (Ordinance Nos. 05-53 and 05-56) to the City of Rockwall in Rockwall County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on November 8, 2005.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,

  
John Tanner  
Chief, Voting Section