

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 08-65

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 1496.66 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; EXCLUDING FROM ANNEXATION THOSE PARCELS FOR WHICH A NON-ANNEXATION AGREEMENT HAS BEEN EXECUTED BY THE OWNERS AND HAS BEEN APPROVED BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING A SAVINGS CLAUSE.

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 1496.66 acre tract of land situated in the J.H. Robinett Survey, Abstract No. 182; J.H. Bailey Survey, Abstract No. 22; J.H. Bailey Survey, Abstract No. 34; J.H. Bailey Survey, Abstract No. 45; J.H. Bailey Survey, Abstract No. 46; J. Lockhart Survey, Abstract No. 137; T. Heath Survey, Abstract No. 113; T. Heath Survey, Abstract No. 114; T. Heath Survey, Abstract No. 115; W. Briscoe Survey, Abstract No. 31; J.B. Marrs Survey, Abstract No. 152; H.K. Newell Survey, Abstract No. 167; in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point at the most southern corner of Abstract 31, Tract 22 (171.5 ac) and the North Right of Way line of FM 550;

THENCE N 45° 36' 29" W following along said Tract 22 West property line for a distance of 3613.00 feet to a point;

THENCE N 45° 15' 24" E following along said Tract 22 Northwestern property line for a distance of 856.00 feet to a point;

THENCE S 89° 14' 56" W following along the South property line of Abstract 22, Tract 7 for a distance of 1677.00 feet to a point;

THENCE N 0° 15' 34.66" E following along the East boundary of the Equestrian Meadows Addition Ph. 2 for a distance of 1103.116 feet to a point;

THENCE S 89° 11' 4.67" W following along the North boundaries of the Equestrian Meadows Addition Ph. 1 & 2 for a distance of 3417.21 feet to a point on the west Right of Way of Dowell Road;

THENCE N 00° 35' 40" W continuing with the West Right of Way of Dowell Road for a distance of 1516.547 feet to a point;

THENCE N 00° 46' 09" W a distance of 185.00 feet more or less, to a point;

THENCE N 20° 54' 16" W a distance of 46.00 feet more or less, to a point;

THENCE N 20° 54' 16" W a distance of 78.00 feet more or less, to a point;

THENCE N 30° 23' 02" W a distance of 99.00 feet more or less, to a point;

THENCE N 89° 26' 53" W departing the West Right of Way of Dowell Road for a distance of 103.00 feet to a point;

THENCE N 89° 45' 55" W following the North property line of Abstract 167, Tract 3-10 for a distance of 906.00 feet to a point;

THENCE N 89° 45' 55" W following the South property line of Abstract 182, Tract 1-2 for a distance of 155.00 feet to a point;

THENCE N 04° 52' 57" W following the City of Rockwall Limits of the for a distance of 436.67 feet to a point;

THENCE in a Northerly direction along the meanders of Brushy Creek and the City of Rockwall Limits as follows:

THENCE N 01° 18' 04" W a distance of 336.00 feet to a point;

THENCE N 16° 04' 47" W a distance of 287.78 feet to a point;

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THENCE N 30° 35' 29" W a distance of 140.72 feet to a point;

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THENCE N 89° 09' 27.88" E following the South Right of Way of State Highway 276, a distance of 3312.396 feet to the beginning of a tangent curve to the right having a radius of 2700.00 feet;

Continuing along said curve to the right, through a central angle of 36° 46' 53", a distance of 1733.28, a chord length of 1703.67, tangent of 897.68 to a point;

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THENCE S 38° 47' 34" W following the City of Rockwall extraterritorial jurisdiction line, a distance of 110.49 feet to a point;

THENCE S 88° 23' 59.94" W along the North boundaries of the Westview Phase 2 and 3 Additions a distance of 3680.95 feet to a point;

THENCE S 01° 41' 21.11" E along the West boundary of the Westview Phase 2 Addition a distance of 2716.24 feet to a point on the South Right of Way of View Drive;

THENCE N 88° 43' 37.01" E along the South Right of Way of View Drive a distance of 1485.10 feet to the beginning of a non-tangent curve to the right having a radius of 10350.00 feet;

Continuing along said curve to the left, following the City of Rockwall extraterritorial jurisdiction line, through a central angle of 13° 06' 45", a distance of 2368.67, a chord bearing of S 22° 15' 32.59" E, chord length of 2363.50, tangent of 1189.53 to a point;

THENCE S 44° 17' 0.00" W along the North Right of Way of FM 550, a distance of 1387.125 feet to the Point of Beginning and containing **1496.66** acres of land (65,194,563.23 square feet) more or less, save and except the following tracts, which are subject to a Chapter 212 Development Agreement ("non-annexation agreement") between the property owner(s) and City of Rockwall:

<u>Tract</u>	<u>Owner</u>	<u>Size of Tract in 212-Agmt</u>
Lot 3, Dowell Road Addition	Rainey & Sonja Pearce	3.787-Acres
Lot 4, Dowell Road Addition	Steven Sexton	3.787-Acres
Lot 6R, Dowell Road Addition	David & Amanda Turner	5.98-Acres
Lot 7R, Dowell Road Addition	Ronald & Cindy Wylie	5.98-Acres
Tract 1-5, Abstract 182	Ronald & Holly Burkett	5.761-Acres
Tracts 4 & 4-1, Abstract 34	Steve Bobalik	10-Acres
Tract 1, Abstract 45	Richard Mills	5-Acres
Tract 8, Abstract 73	Timothy White	2.77-Acres
Tract 4, Abstract 22	Harry Schroeder	30.15-Acres
Tract 4-1, Abstract 22	Ho Ming-Tao & Jui-Lien Chou	30.31-Acres
Tract 4-3, Abstract 22	Ho Ming-Tao & Jui-Lien Chou	30.31-Acres
Tract 8-3, Abstract 22	Craig Jackson	1.5-Acres
Tract 17-01, Abstract 137 (Part)	Zula M Zollner Brooks Family Tr	46.42-Acres (see Exhibit B-1)
Tract 17, Abstract 137	Zula Maxine Zollner Brooks	5-Acres
Tract 1-1, Abstract 137	Benjamin H & Maxine Brooks Zollner Tr	1.275-Acres
Tract 6, Abstract 22	Zula M Zollner Brooks Family Trust	40-Acres

The above description shall follow all existing City of Rockwall City Limit boundaries where noted.

On the 2nd day of September, 2008, at 6:00 p.m. and on the 15th day of September, 2008, at 6:00 p.m. at City Hall, 385 S. Goliad, Rockwall, Texas said dates being not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, notice of such public hearings were published in a newspaper having general circulation in the City of Rockwall, Texas and in the territory described herein on the 21st day of August, 2008 and on the 4th day of September, 2008 and posted on the City of Rockwall

Internet site on the 21st day of August, 2008 and on the 4th day of September, 2008, said dates being not more than twenty (20) days nor less than ten (10) 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 1496.66 acres, save and except those 16 parcels for which non-annexations agreements have been approved by the City, containing collectively 220.7 acres more or less; and

WHEREAS, Texas Local Gov't Code section 43.035 provides that, prior to annexation of land which is appraised for ad valorem tax purposes for agricultural use, the municipality must first offer the landowner a non-annexation agreement pursuant to Texas Local Gov't Code section 212.172, and the landowner must decline the offer; and

WHEREAS, the City by letter of July 31, 2008, offered to enter into a non-annexation agreement with each **qualifying** property owner in the area to be annexed along with the notice of first public hearing, and

WHEREAS, the City by letter of October 10, 2008, offered to enter into a non-annexation agreement with **all** property owners in the area to be annexed, which offer was held open to a date certain, November 14, 2008, during which period the landowners were required to execute the proposed agreement; and

WHEREAS, the City has received executed non-annexation agreements for the parcels designated by hatching in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, all other offers to enter into non-annexation agreements which were not accepted by execution of such agreements by November 14, 2008, hereby are deemed to be declined by such date; and

WHEREAS, the non-annexation agreements for the parcels designated on Exhibit A were approved by the City on November 17, 2008, and on December 22, 2008, rendering the boundaries of land abutting such parcels as contiguous to the corporate limits of the City for all purposes;

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 1496.66 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, save and except those parcels contained within such described territory, for which non-annexation agreements were timely executed by the owners of such parcels, as designated by hatching on Exhibit A hereto.

Section 3. That the official map of the City is hereby amended to reflect the addition of the property described herein.

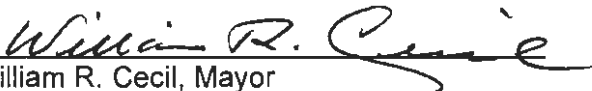
Section 4. The above described territory and the acres so annexed shall be a part of the City of Rockwall, Texas, and the inhabitants thereof, if any, shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Rockwall, Texas.

Section 5. That the Service Plan for the annexation area, 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."

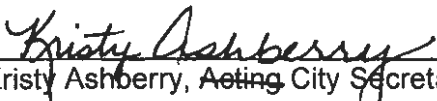
Section 6. That this ordinance shall take effect on December 29, 2008, in accordance with applicable law and the charter of the City of Rockwall, Texas.

Section 7. That Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Rockwall, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Rockwall every part of the area described in Section 2 of this ordinance. Provided, further, that if there is included within the general description of Property set out in Section 2 of this ordinance to be hereby annexed to the City of Rockwall any lands or area which are presently part of and included within the boundaries of land for which a non-annexation agreement has been approved, such parcels being as designated on Exhibit A hereto, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein. Provided further that, should the legal description of any parcel for which a non-annexation agreement has been approved fail to close or contain, or contain other defects, it is the intent of the City Council that such tracts should be excluded in accordance with the boundaries designated on Exhibit A, and that the validity of the annexation of the land not subject to such agreements shall not be affected by such defects, but rather that such land be annexed in accordance with the boundaries designated on Exhibit A.

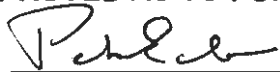
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 22nd day of December, 2008.


William R. Cecil, Mayor

ATTEST:

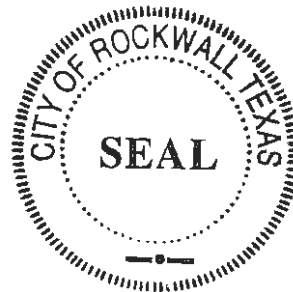

Kristy Ashberry, Acting City Secretary

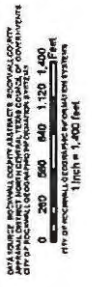
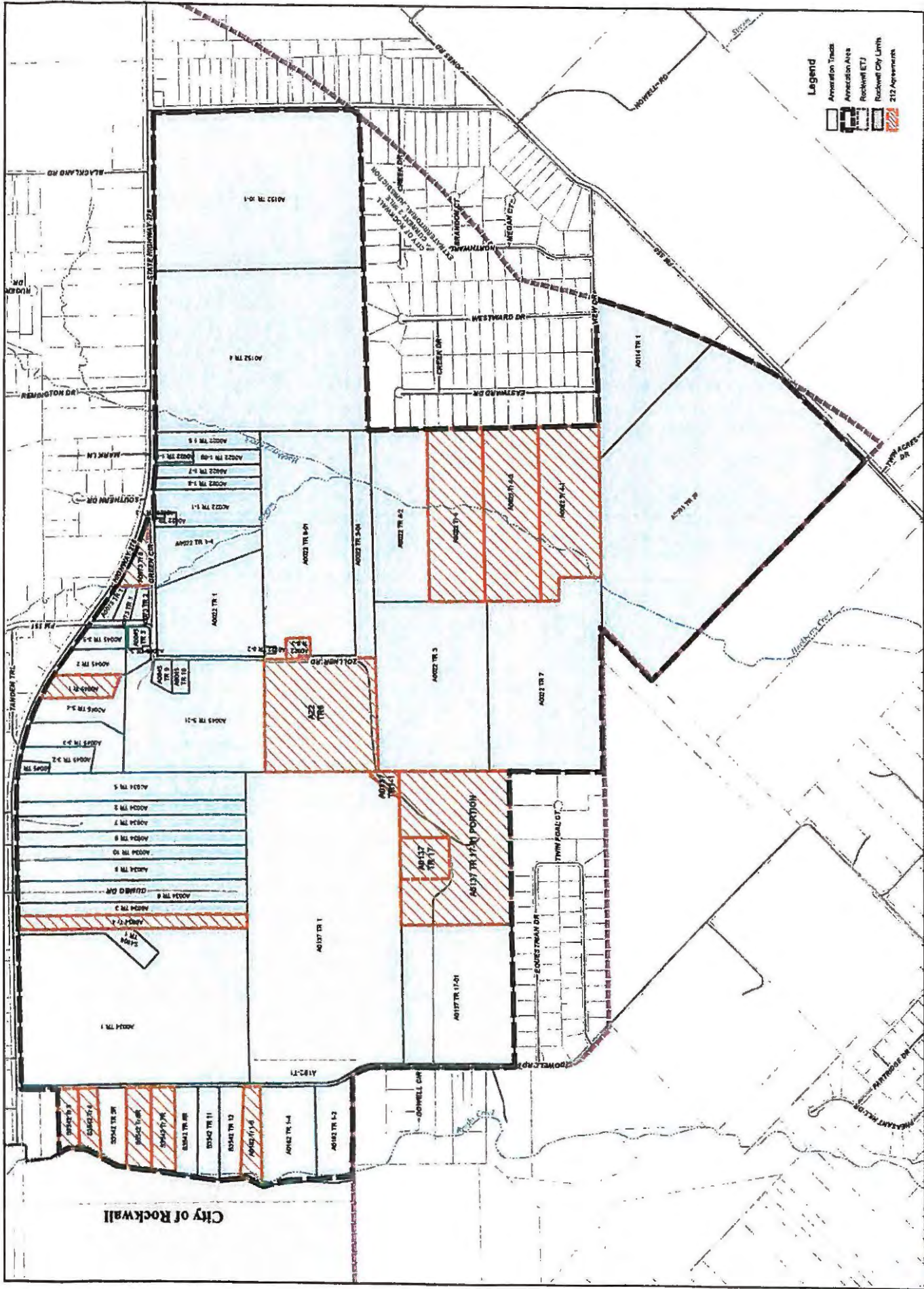
APPROVED AS TO FORM:


Pete Eckert, City Attorney

1st Reading: 10-06-08

2nd Reading: 12-22-08





SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2008-003
City and County of Rockwall, Texas

ACREAGE ANNEXED:

Area = 1496.66 acres

SURVEY ABSTRACT AND COUNTY:

BEING a 1496.66 acre tract of land situated in the J.H. Robinett Survey, Abstract No. 182; J.H. Bailey Survey, Abstract No. 22; J.H. Bailey Survey, Abstract No. 34; J.H. Bailey Survey, Abstract No. 45; J.H. Bailey Survey, Abstract No. 46; J. Lockhart Survey, Abstract No. 137; T. Heath Survey, Abstract No. 113; T. Heath Survey, Abstract No. 114; T. Heath Survey, Abstract No. 115; W. Briscoe Survey, Abstract No. 31; J.B. Marrs Survey, Abstract No. 152; H.K. Newell Survey, Abstract No. 167; in the City and County of Rockwall, Texas and being more particularly described by metes and bounds as attached.

DATE OF ADOPTION OF ANNEXATION ORDINANCE: December 22, 2008
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

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
A2008-003**

- July 7, 2008 - Annexation presented to City Council for approval to proceed
- August 1, 2008 - **Staff to prepare preliminary Service Plan and sample 212 Agreement that must be offered to qualifying property owners**
- August 1, 2008 - Notice of 1st public hearing mailed to property owners (30 days prior to 1st public hearing)
- August 15, 2008 - Notice of 2nd public hearing mailed to property owners (30 days prior to 2nd public hearing)

August 15, 2008 -	Notice Sent to Paper for publication (1 st public hearing)
August 21, 2008 -	Notification Appears in Newspaper for 1 st Public Hearing (< 20 and > 10 days before public hearing). <u>Obtain required affidavit of publication from paper</u>
August 21, 2008 -	Notification is posted on Internet (< 20 & > 10 days before public hearing)
September 2, 2008 -	First Public Hearing (< 40 and > 20 days before 1 st reading)
August 29, 2008 -	Notice Sent to Paper for publication (2 nd public hearing)
September 4, 2008 -	Notification Appears in Newspaper for 2 nd Public Hearing (< 20 and > 10 days before public hearing). <u>Obtain required affidavit of publication from paper</u>
September 4, 2008 -	Notification is posted on Internet (< 20 & > 10 days before public hearing)
September 15, 2008 -	Second Public Hearing (< 40 and > 20 days before 1 st reading)

October 6, 2008 - City Council Approve Annexation Ordinance (First Reading)

December 22, 2008 - City Council Final Approval. (Second Reading)

January 5, 2009 - Annexation Proceedings Must Be Completed Within 90 Days of First Reading of Ordinance (10/6/08)

**A2008-003
Legal Description**

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Exhibit "B"

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Lot 7R, Dowell Road Addition	Ronald & Cindy Wylie	5.98-Acres
Tract 1-5, Abstract 182	Ronald & Holly Burkett	5.761-Acres
Tracts 4 & 4-1, Abstract 34	Steve Bobalik	10-Acres
Tract 1, Abstract 45	Richard Mills	5-Acres
Tract 8, Abstract 73	Timothy White	2.77-Acres
Tract 4, Abstract 22	Harry Schroeder	30.15-Acres
Tract 4-1, Abstract 22	Ho Ming-Tao & Jui-Lien Chou	30.31-Acres
Tract 4-3, Abstract 22	Ho Ming-Tao & Jui-Lien Chou	30.31-Acres
Tract 8-3, Abstract 22	Craig Jackson	1.5-Acres
Tract 17-01, Abstract 137 (Part)	Zula M Zollner Brooks Family Tr	46.42-Acres
Tract 17, Abstract 137	Zula Maxine Zollner Brooks	5-Acres
Tract 1-1, Abstract 137	Benjamin H & Maxine Brooks Zollner Tr	1.275-Acres
Tract 6, Abstract 22	Zula M Zollner Brooks Family Trust	40-Acres

The above description to follow all existing City of Rockwall City Limit boundaries where noted.

EXHIBIT B-1
Legal Description

BEING a 46.42 acre tract of land situated in the J. Lockhart Survey, Abstract No. 137 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point in the Southeastern corner of Abstract 137 J LOCKHART, Tract 17-01, Acres 95.2;

THENCE S 89° 22' 13.458" W following along said Tract 17-01 southern property line for a distance of 780.116 feet to a point;

THENCE S 89° 22' 13.5" W following along said Tract 17-01 southern property line for a distance of 595.878 feet to a point;

THENCE S 89° 8' 56.719" W following along said Tract 17-01 southern property line for a distance of 392.875 feet to a point;

THENCE N 1° 6' 11.797" W departing Tract 17-01 southern property line for a distance of 1293.723 feet to a point;

THENCE N 89° 22' 13.501" E following along said Tract 17-01 northern property line for a distance of 534.17 feet to a point;

THENCE S 0° 52' 26.246" E following along adjacent Tract 17 western property line for a distance of 579.658 feet to a point;

THENCE N 89° 7' 33.799" E following along said Tract 17 southern property line for a distance of 461.799 feet to a point;

THENCE N 0° 52' 26.161" W following along said Tract 17 eastern property line for a distance of 577.613 feet to a point;

THENCE N 89° 22' 13.503" E following along said Tract 17-01 northern property line for a distance of 763.029 feet to a point;

THENCE S 0° 44' 41.606" E following along said Tract 17-01 eastern property line for a distance of 1061.78 feet to a point to the Point of Beginning and containing **46.42** acres of land (2022379.378 square feet) more or less.

