

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 08-66

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 162.88 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 162.88 acre tract of land situated in the W.M. Dalton Survey, Abstract No. 72 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point in the Southeastern corner of Abstract 72, Tract 4, (62 .66 acres) and the West Right of Way line of FM 549;

THENCE S 89° 17' 15.10" W following along said Tract 4 southern property line for a distance of 2146.88 feet to a point;

THENCE S 89° 17' 15.12" W following along Abstract 72, Tract 24 southern property line for a distance of 669.10 feet to a point;

THENCE S 89° 17' 15.13" W following along Abstract 72, Tract 22-05 southern property line for a distance of 813.73 feet to a point;

THENCE S 88° 43' 7.09" W following along Abstract 72, Tract 22 southern property line for a distance of 528.41 feet to a point;

THENCE S 88° 58' 13.58" W following along Abstract 72, Tract 17 southern property line for a distance of 1285.18 feet to a point on the East Right of Way of FM1141;

THENCE N 00° 36' 31.82" W along the East Right of Way line of FM 1141 for a distance of 835.68 feet to the beginning of a curve to the right having a radius of 562.88 feet;

Continuing along said curve to the right, through a central angle of 31° 58' 08.88", a chord length of 310.01, chord bearing of N 18° 34' 43.21" E to a point;

THENCE N 37° 46' 55.41" E along the North Right of Way line of Clem Rd for a distance of 266.91 feet to a point on the North Right of Way of Clem Rd;

THENCE N 88° 30' 37.19" E along the North Right of Way line of Clem Rd for a distance of 705.36 feet to a point;

THENCE N 88° 47' 10.54" E along the North Right of Way line of Clem Rd for a distance of 823.84 feet to a point;

THENCE N 89° 08' 59.57" E along the North Right of Way line of Clem Rd for a distance of 1317.34 feet to a point;

THENCE S 00° 26' 59.38" W crossing the road way approximately 39.86 feet to the Southern

Right of Way line of Clem Rd;

THENCE N 89° 05' 05.18" E along the South Right of Way line of Clem Rd for a distance of 1640.43 feet to the beginning of a curve to the left having a radius of 186.00 feet;

Continuing along said curve to the left, through a central angle of 37° 01' 36.67", a chord length of 118.12, chord bearing of N 68° 15' 30.94" E to a point on the West Right of Way of FM549;

THENCE S 62° 02' 55.74" E along the West Right of Way line of FM549 for a distance of 269.22 feet to the beginning of a curve to the right having a radius of 714.00 feet;

Continuing along said curve to the right, through a central angle of 64° 04' 19.96", a chord length of 725.54, chord bearing of S 30° 34' 59.12" E to a point;

THENCE S 01° 16' 46.65" W a distance of 595.17 feet to the Point of Beginning and containing **162.88** acres of land (7094931.87 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</u>
Tract 22, Abstract 72	Allen G Stevenson et ux	20.74-Acres
Tract 24, Abstract 72	Craig W & Pamela McCallum	19.06-Acres
Tract 24-1, Abstract 72	Craig W & Pamela McCallum	1-Acre
Tract 17, Abstract 72	Glen D. Walker	37.844-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 162.88 acres;

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 28, 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 9, 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 1, 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 162.88 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.

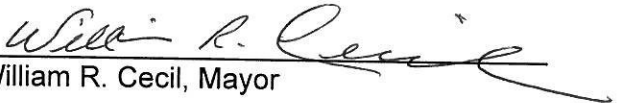
Section 5. That the Service Plan for the annexation area, which was made available for public inspection at the Public Hearings, is hereby approved with a copy of said plan being attached hereto and incorporated herein for all purposes and labeled Exhibit "B."

Section 6. That this ordinance shall take effect immediately from and after its passage and approval, 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, regardless of whether any part of such described area is hereby not effectively annexed to the City.

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.

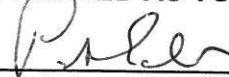
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of December, 2008.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, Acting City Secretary

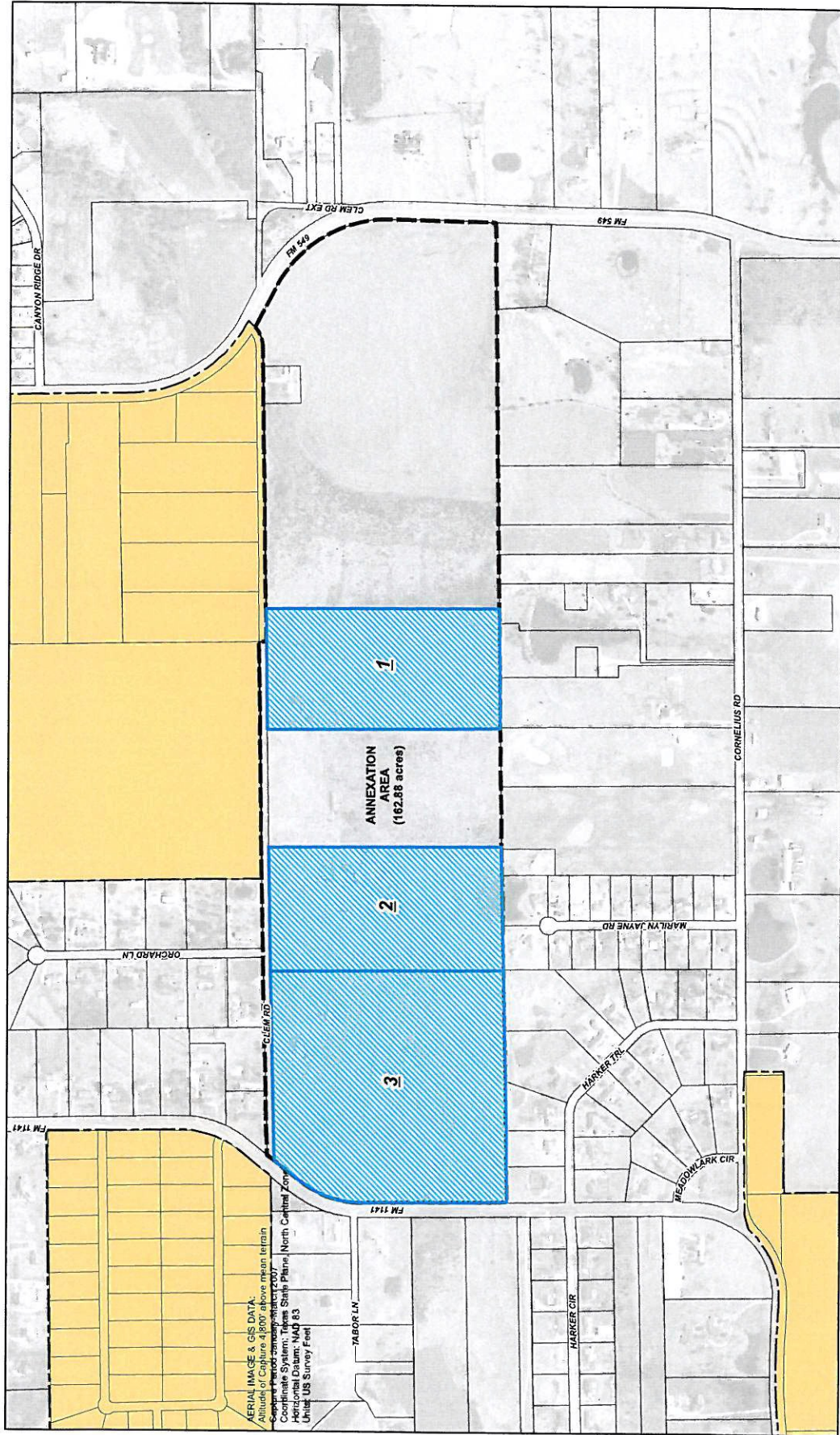
APPROVED AS TO FORM:


Pete Eckert, City Attorney

1st Reading: 11-17-08

2nd Reading: 12-01-08





AERIAL IMAGE & GIS DATA:
 Altitude of Contour 4,800' above mean terrain
 Contour Interval 20' (Horizontal Datum: NAD 83)
 Horizontal Datum: NAD 83
 United US Survey Feet

Exhibit 'A'

ANNEXATION A2008-002

CLEM ROAD & FM549 (162.88 ACRES)

DATA SOURCE: ROCKWALL COUNTY ABSTRACTS, ROCKWALL COUNTY, APPRAISAL DISTRICT, NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, CITY OF ROCKWALL GEOGRAPHIC INFORMATION SYSTEMS
 0 135 270 540 810 1,080 1,350 Feet
 CITY OF ROCKWALL GEOGRAPHIC INFORMATION SYSTEMS

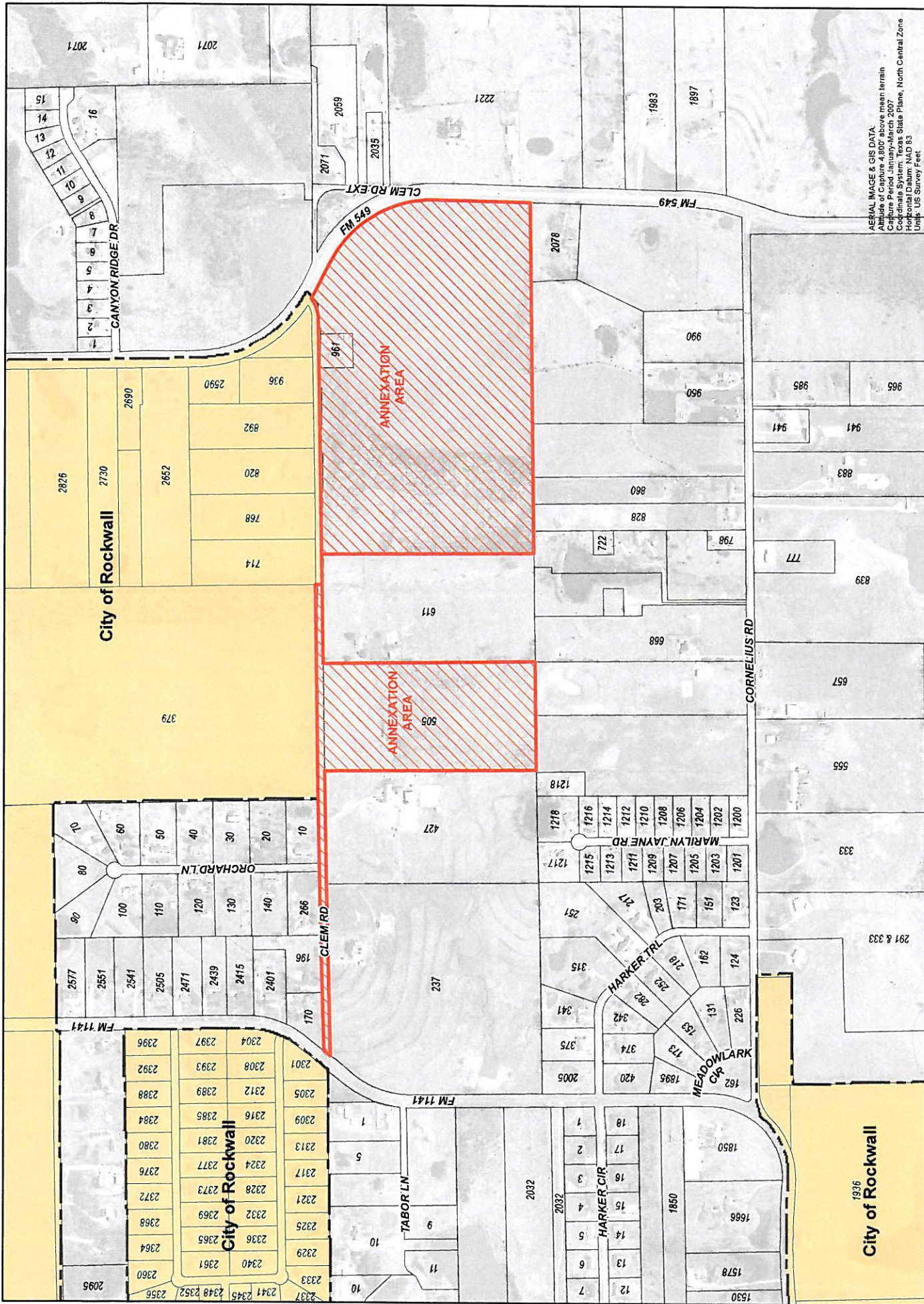


MAP DATE: JULY 18, 2008

ID	LEGAL ACRE	LEGAL DESCRIPTION
1	20.06	A0072 WM DALTON, TRACTS 24 & 24-1, ACRES 20.06
2	20.74	A0072 WM DALTON, TRACT 22, ACRES 20.74
3	37.84	ABS A0072, WM DALTON, TRACT 17, 37.844 ACRES

Legend
 Tract Subject to
 212 Agreement





AERIAL IMAGE & GIS DATA:
 Altitude of Capture 4,800' above mean terrain
 Capture Period: January-March 2007
 Coordinate System: Texas State Plans, North Central Zone
 Horizontal Datum: NAD 83
 Units: US Survey Feet

ANNEXATION A2008-002

CLEM ROAD & FM549

Legend

- New Annex Area
- Existing City Limits



DATA SOURCE: ROCKWALL COUNTY ABSTRACTS; ROCKWALL COUNTY APPRAISAL DISTRICT; NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS; CITY OF ROCKWALL GEOGRAPHIC INFORMATION SYSTEMS.

0 100 200 400 600 800 1,000 Feet

CITY OF ROCKWALL GEOGRAPHIC INFORMATION SYSTEMS

City of Rockwall
 DECEMBER 2, 2008

SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2008-002
City and County of Rockwall, Texas

ACREAGE ANNEXED:

Area = 162.88 acres

SURVEY ABSTRACT AND COUNTY:

BEING a 162.88-acre tract of land situated in the W.M. Dalton Survey, Abstract 72 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 1, 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 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 immediately as 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
A2008-002***

- 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 1, 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)

Legal Description

BEING a 162.88 acre tract of land situated in the W.M. Dalton Survey, Abstract No. 72 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point in the Southeastern corner of Abstract 72, Tract 4, (62 .66 acres) and the West Right of Way line of FM 549;

THENCE S 89° 17' 15.10" W following along said Tract 4 southern property line for a distance of 2146.88 feet to a point;

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Rockwall:

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