

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 09-07

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 329.53 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; AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, Section 43.051 establishes that a municipality may annex area only in its extra-territorial jurisdiction unless the municipality owns the area; and,

WHEREAS, Section 43.052 of the Texas Local Government Code requires municipalities to adopt an annexation plan identifying populous areas proposed for general-purpose annexation beginning on the third anniversary of the date the plan is adopted if an exception under Section 43.052 (h) does not apply; and

WHEREAS, the City Council of the City of Rockwall adopted an annexation plan on February 6, 2006 identifying an area of annexation; and

WHEREAS, Tex. Loc. Gov't Code Section 43.0562 requires that, after holding public hearings as provided by Section 43.0561, a municipality and the property owners of the area proposed for annexation shall negotiate for the provision of services to the area after annexation; and

WHEREAS, the City of Rockwall has conducted negotiation for a service plan with the five-member committee of the Lake Rockwall Estates area appointed by the Rockwall County Commissioner's Court, pursuant to Tex. Loc. Gov't Code Section 43.0562; and

WHEREAS, the negotiations with the committee have been concluded and that no additional changes are warranted to the proposed provision of services; and

WHEREAS, the City Council of the City of Rockwall adopted by Resolution the service plan for the proposed annexation of the Lake Rockwall Estates area, herein attached as Exhibit "B"; and

WHEREAS, Public Hearings were held before the governing body of the City of Rockwall, Texas, on the 16th day of October, 2006, at 6:00 p.m. and on the 16th day of October, 2006, at 7:00 p.m. at City Hall, 385 S. Goliad, Rockwall, Texas, in accordance with the requirements set forth within Chapter 43 of the Texas Local Government Code, where all interested persons were provided with an opportunity to be heard on the proposed annexation of the following described territories;

BEING a 329.53 acre tract of land, in the G. Wells Survey, Abstract No. 219, in Rockwall County, Texas, said tract being more particularly described by metes and bounds as follows;

BEGINNING at a point at the intersection of the Centerline of Tubbs Road and the South Right of Way line of F.M. 3097 (Horizon Road);

THENCE N 44° 03' 32.586" E, along the Centerline of said Tubbs Road, said line also being the City Limit of the City of Rockwall for a distance of 3196.715 feet to a point for a corner;

THENCE S 45° 18' 40.548" E, departing said line Tubbs Road and following along said City Limit line for a distance of 987.963 feet to a point for a corner;

THENCE S 45° 01' 47.969" E, continuing along said City Limit line for a distance of 305.802 feet to a point for a corner;

THENCE S 57° 46' 29.390" E, a distance of 618.885 feet to a point for a corner;

THENCE N 89° 29' 58.294" E, a distance of 2177.687 feet to a point for a corner in the North line of Rockwall Estates No. 2;

THENCE S 0° 20' 12.986" E, along the Easterly most line of Rockwall Estates No. 2 for a distance of 2420.324 feet to a point for a corner in the North line of County Line Road;

THENCE S 88° 49' 05.513" W, along the said North line of County Line Road for a distance of 3751.248 feet to a point for a corner;

THENCE S 77° 48' 25.087" W, continuing along the said North line of County Line Road for a distance of 388.521 feet to a point for a corner in the Northeast line of said Horizon Road;

THENCE N 49° 33' 00" W, along said Northeast line of Horizon Road for a distance of 231.08 feet to a point for a corner;

THENCE S 39° 24' 11.999" W, crossing Horizon Road for a distance of 100.00 feet to a point for a corner;

THENCE N 46° 5' 44.798" W, continuing along the South Right of Way line of Horizon Road for a distance of 2064.651 feet to the Point of Beginning and containing 329.53 acres and 14,354,361.518 square feet of land more or less.

The above description to follow all existing City of Rockwall City Limit boundaries where noted; 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 28th day of September, 2006, and posted on the City of Rockwall Internet site on the 28th day of September, 2006, 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 329.53 acres; and

WHEREAS, the effective date of this Ordinance is before the thirty-first day following the third anniversary of the date the area was included in the City's annexation plan;

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 and depicted herein as Exhibit "A" attached hereto and made a part hereof, and containing 329.53 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 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of February, 2009.




William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, Acting City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 02-02-09

2nd Reading: 02-17-09

Exhibit "A"
Legal Description
Annexation Case No. A2009-001
City and County of Rockwall, Texas

BEING a 329.53 acre tract of land, in the G. Wells Survey, Abstract No. 219, in Rockwall County, Texas, said tract being more particularly described by metes and bounds as follows;

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Exhibit “B”
SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2009-001
City and County of Rockwall, Texas

ACREAGE ANNEXED:

329.53 acres

SURVEY ABSTRACT AND COUNTY:

All that BEING a 329.53 acre tract of land, in the G. Wells Survey, Abstract No. 219, in Rockwall County, Texas.

DATE OF ADOPTION OF ANNEXATION ORDINANCE: February 17, 2009
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 immediately after 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. The City of Rockwall does not currently have the right to provide water service to the proposed area of annexation. Currently, Aqua Texas is the provider holding a certificate of convenience and necessity issued by the State of Texas to serve the area. 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. The City of Rockwall does not currently have the right to provide sanitary sewer service to the proposed area of annexation. Currently, Aqua Texas is the provider holding a certificate of convenience and necessity issued by the State of Texas to serve the area. Private sewer lines within this property shall be maintained by their owners, in accordance with existing policies applicable throughout the City.

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.

A2009-001: Annexation Schedule

- February 6, 2006 - Annexation Plan Amended and adopted by City Council.
- February 20, 2006 - Notification mailed out to property owners.
- February 24, 2006 - Request for inventory of services mailed to service providers.
- July 24, 2006 - Inventory of Services available for public inspection
- September 15, 2006 - Notice of public hearing mailed to property owners (*30 days prior to 1st public hearing*)

- September 22, 2006 - Notice Sent to Paper for publication
- September 28, 2006 - Notification Appears in Newspaper for Public Hearings (**< 20 and > 10 days before public hearings**). Obtain required affidavit of publication from paper
- September 28, 2006 - Notification is posted on Internet (**< 20 & > 10 days before public hearings**)
- October 16, 2006 - First and Second Public Hearings

*December 19, 2008 - Courtesy notification mailed to property owners.

- February 2, 2009 - City Council Approve Annexation Ordinance (First Reading)
- February 17, 2009 - City Council Final Approval. (Second Reading)

Legal Description for
Lake Rockwall Estates Annexation Plan Area

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