

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 10-27

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 824.91 ACRES OF LAND OVERALL COMPRISED OF FOUR (4) AREAS, 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, on the 2nd day of August, 2010, at 6:00 p.m. and on the 16th day of August, 2010, 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 where all interested persons were provided with an opportunity to be heard on the proposed annexation of the following described territories:

Area 1

(538.90 acres located West of SH 205, South of FM 549 and Northeast of Hanby Lane)

BEING a 538.90 acre tract of land situated in the W.M. Ford Survey, Abstract No. 80 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point of intersection in the Eastern Right of Way line of Jeff Boyd Dr and the Northern Right of Way line of East Cullins Rd;

THENCE N 43° 43' 2.574" E following along said Northern Right of Way line for a distance of 2149.24 feet to a point;

THENCE N 45° 18' 36.140" W following along the Western Right of Way line of East Cullins Rd for a distance of 1143.621 feet to a point lying in the Southern Right of Way line of Farm to Market Rd 549 (FM549);

THENCE N 48° 08' 10" E following along said Southern FM549 Right of Way line for a distance of 792.06 feet to a point;

THENCE N 44° 28' 10" E for a distance of 2101.60 feet to a point;

THENCE N 47° 30' 10" E for a distance of 508.30 feet to a point;

THENCE N 49° 59' 08.255" E for a distance of 402.341 feet to a point;

THENCE S 45° 51' 18.989" E for a distance of 1444.543 feet to a point;

THENCE N 00° 13' 23.433" E for a distance of 80.101 feet to a point intersecting the Northern Right of Way line of State Highway 205;

THENCE S 45° 57' 59" E following along the eastern right of way line of State Highway 205 for a distance of 2274.809 feet to a point;

THENCE S 44° 37' 29" W following along the southern property line of Abstract 80, Tract 17-13 (50 acres) for a distance of 2323.70 feet to a point;

THENCE S 43° 54' 01" W following along the southern property line of Abstract 80, Tract 17-15 (134.33 acres) for a distance of 1583.26 feet to a point;

THENCE S 43° 01' 55" E following along the eastern property line of Abstract 80, Tract 17-02 (9.75 acres) for a distance of 184.44 feet to a point;

THENCE S 43° 56' 36" W following along the southern property line of Abstract 80, Tract 17-02 (9.75 acres) for a distance of 838.18 feet to a point;

THENCE S 46° 07' 12" E following along the southwestern property line of Abstract 80, Tract 17-01 (158.248 acres) for a distance of 2180.48 feet to a point;

THENCE S 43° 58' 49" W to the southern corner of Abstract 80, Tract 13-01 (19 acres), a distance of 1329.13 feet to a point;

THENCE N 45° 29' 27.396" W following along property lines and Northern Right of Way line of Hanby Ln. for a distance of 4085.376 feet to a point;

THENCE N 44° 43' 49.089" E for a distance of 9.216 feet to a point;

THENCE N 44° 54' 7.509" W following along the Eastern Right of Way line of Jeff Boyd Dr for a distance of 917.893 feet to the Point of Beginning and containing 538.90 acres of land (23,499,869.50 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 13-1, Abstract 80 | John R & Mary V White | 19 Acres |
| Tract 13-2, Abstract 80 | John R & Mary V White | 14.609 Acres |
| Tract 13-3, Abstract 80 | John R & Mary V White | 1 Acre |
| Tract 13-7, Abstract 80 | John R & Mary V White | 2 Acres |
| Tract 13-4, Abstract 80 | John and Jane Cullins | 26.748 Acres |
| Tract 13-8, Abstract 80 | John and Jane Cullins | 1.5 Acres |
| Tract 13-11, Abstract 80 | Richard & Jo Ann Cullins and Donna Cullins/Kimberly Collichio | 26.748 Acres |
| Tract 13-12, Abstract 80 | Brian K & Judith A Schneider | 3 Acres |

| | | |
|--------------------------|---|--------------|
| Tract 13-13, Abstract 80 | Brian K & Judith A Schneider | 2.21 Acres |
| Tract 13-14, Abstract 80 | Dana K Miller, Sandra G Holland & Terri R Ferguson | 10.35 Acres |
| Tract 13-16, Abstract 80 | Lance A and Sandra G Holland | 2.74 Acres |
| Tract 13-17, Abstract 80 | James M Ferguson Jr and Terri R Ferguson (Ila J Cullins Life Est) | 4.53 Acres |
| Tract 17-2, Abstract 80 | James Russell Wylie Jr | 9.75 Acres |
| Tract 17-14, Abstract 80 | Scott W & Glenita G Blackwood | 12.493 Acres |
| Tract 40, Abstract 80 | Alan D. Travis | 8.989 Acres |
| Tract 40-1, Abstract 80 | Alan D. Travis | 1.0 Acre |
| Tract 40-5, Abstract 80 | Terry E & Sherry I Woods | 10.50 Acres |
| Tract 40-6, Abstract 80 | George W & Bonnie C Keeling | 8.0 Acres |
| Tract 40-7, Abstract 80 | Ed & Olivia Casey Kohorst | 10.0 Acres |
| Tract 40-9, Abstract 80 | Ed & Olivia Casey Kohorst | 4.309 Acres |

Area 2

(111.80 acres located north of FM 1139 and east of FM 549)

BEING a 111.80 acre tract of land situated in the J.A. Ramsey Survey, Abstract No. 186 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at the Southeastern most corner of Wooldridge Estates for a point of beginning;

THENCE S 00° 22' 09.327" E following along Eastern property line of Abstract 186, Tract 6 for a distance of 3038.147 feet to a point;

THENCE S 00° 00' 20.884" E for a distance of 80.025 feet to a point on the South Right of Way line of Farm to Market 1139 (FM1139);

THENCE S 88° 43' 47.153" W following along the South Right of Way of FM1139 for a distance of 1542.069 feet to a point;

THENCE N 01° 05' 01.431" W for a distance of 80.001 feet to a point lying in the North Right of Way of FM1139;

THENCE N 01° 05' 01.426" W following along the Western property line of Abstract 186, Tract 6 (eastern split portion / RCAD # 12255) for a distance of 3031.679 feet to a point;

THENCE N 88° 30' 29.735" E following along the Southern subdivision line of Wooldridge Estates for a distance of 1581.491 feet to the Point of Beginning and containing 111.80 acres of land (4,870,139.842 square feet) more or less.

Area 3

(81.96 acres located along the west side of Rochell Road south of SH 276)

BEING a 81.957 acre tract of land situated in the J.A. Ramsey Survey, Abstract No. 186 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at the Southwestern most corner of Timber Creek Estates for a point of beginning;

THENCE N 88° 13' 19" E following along Southern boundary of Timber Creek Estates (nearest Lot 22) for a distance of 837.35 feet to a point;

THENCE N 89° 05' 11" E following along said Southern boundary for a distance of 1307.46 feet to a point;

THENCE N 89° 03' 14.504" E following along said Southern boundary for a distance of 24.318 feet to a point intersecting the Eastern Right of Way of Rochell Rd;

THENCE S 00° 40' 26.223" E following along said Right of Way line for a distance of 1677.693 feet to a point;

THENCE S 89° 29' 25.076" W following along the Southern property line of Abstract 186, Tract 16 for a distance of 2158.35 feet to a point;

THENCE N 01° 02' 33.865" W following along said Tract 16 western property line for a distance of 1649.821 feet to the Point of Beginning and containing 81.957 acres of land (3,570,043.269 square feet) more or less.

Area 4

(92.25 acres located along southeast side of FM 550 south of SH 276)

BEING a 92.25 acre tract of land situated in the J.W. Pitman Survey, Abstract No. 181 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at the Eastern most corner of Abstract 181, T1-9 for a point of beginning;

THENCE S 44° 32' 39.223" W following along property lines for a distance of 1762.363 feet to a point;

THENCE N 45° 40' 13.669" W following along said Western boundary of Abstract 181, Tract 1-5 for a distance of 2270.382 feet to a point intersecting the Northern Right of Way line of Farm to Market Rd 550 (FM550);

THENCE N 44° 17' 30.519" E following along said Right of Way line for a distance of 804.627 feet to a point;

THENCE N 44° 22' 43.377" E following along said Right of Way line for a distance of 986.003 feet to a point;

THENCE S 31° 48' 50.655" E crossing to the south Right of Way line of FM550 for a distance of 82.41 feet to a point;

THENCE S 45° 26' 51.569" E following along Abstract 181, Tract 16 northeastern property line for a distance of 2191.674 feet to the Point of Beginning and containing 92.25 acres of land (4,018,211.185 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 1-2, Abstract 181 | Christy L Bray | 12.49 Acres |
| Tract 1-9, Abstract 181 | Brent & Shannon Nalley | 12.49 Acres |
| Tract 1-4, Abstract 181 | S Mark Olmstead | 20 Acres |

Note: The above descriptions shall follow all existing City of Rockwall City Limit boundaries where noted.

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 16th of July, 2010 and on the 30th day of July, 2010 and posted on the City of Rockwall Internet site on the 16th of July, 2010 and on the 30th day of July, 2010, 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 824.91 acres, save and except those 23 parcels for which non-annexations agreements have been approved by the City, containing collectively 224.456-acres more or less; and

WHEREAS, Texas Local Government 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 Government Code section 212.172, and the landowner must decline the offer; and

WHEREAS, the City by letter of July 1, 2010, 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 a second letter of September 8, 2010, to the remaining qualifying property owners in the area to be annexed who had not yet submitted executed agreements, offered to enter into a non-annexation agreement, which offer was held open to a date certain, September 30, 2010, 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 September 30, 2010 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 October 4, 2010, 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 824.91 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. 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 4th day of October, 2010.

William R. Cecil

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry

Kristy Ashberry, Acting City Secretary



APPROVED AS TO FORM:

Pete Eckert

Pete Eckert, City Attorney

1st Reading: 09-06-10

2nd Reading: 10-04-10

Exhibit A - Ordinance #10-27

**A2010-010
Legal Description**

“Area 1”

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“Area 2”

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“Area 3”

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“Area 4”

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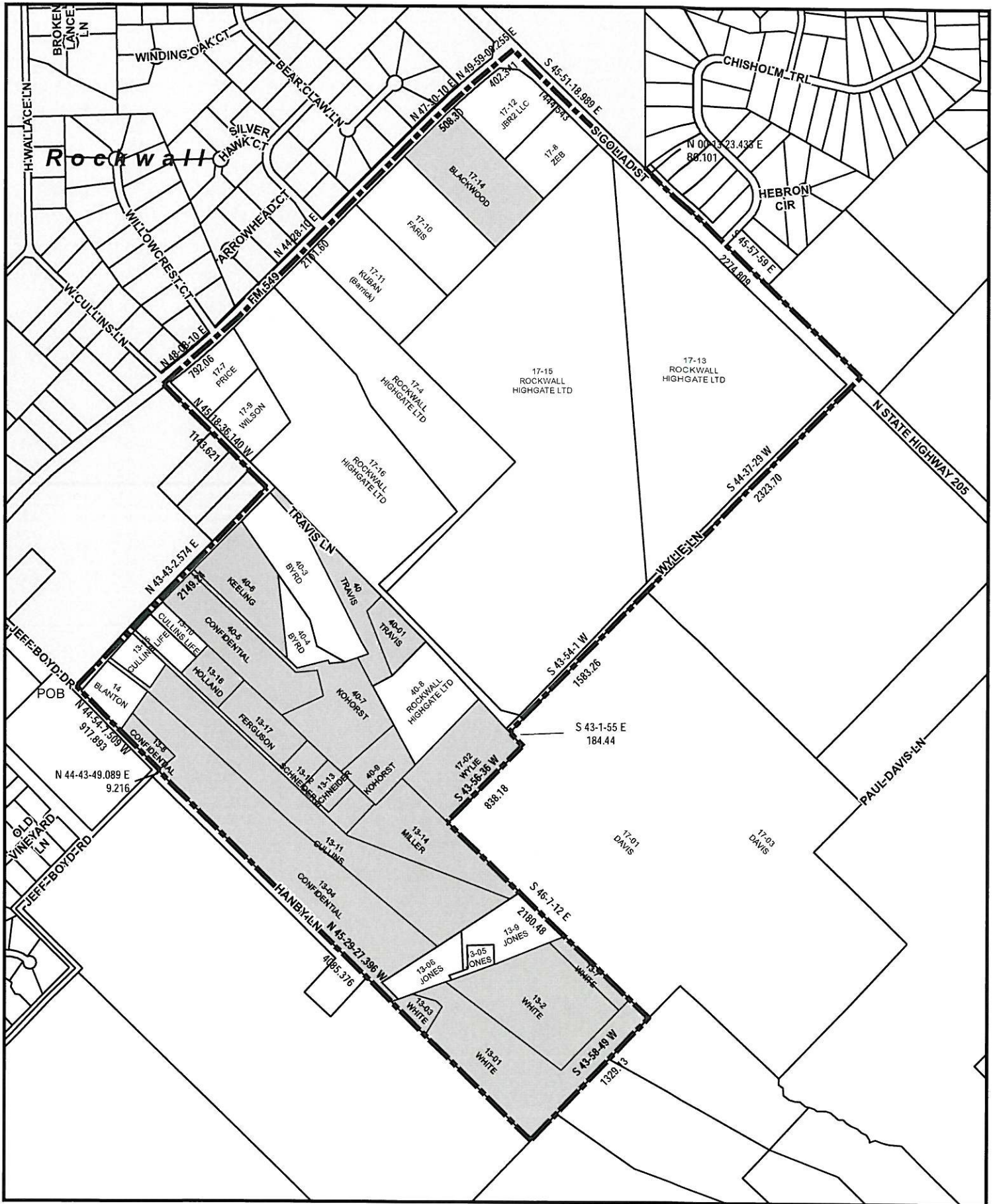
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| Tract 1-9, Abstract 181 | Brent & Shannon Nalley | 12.49 Acres |
| Tract 1-4, Abstract 181 | S Mark Olmstead | 20 Acres |

The above descriptions to follow all existing City of Rockwall City Limit boundaries.



**City of
Rockwall**
SEPT 30, 2010

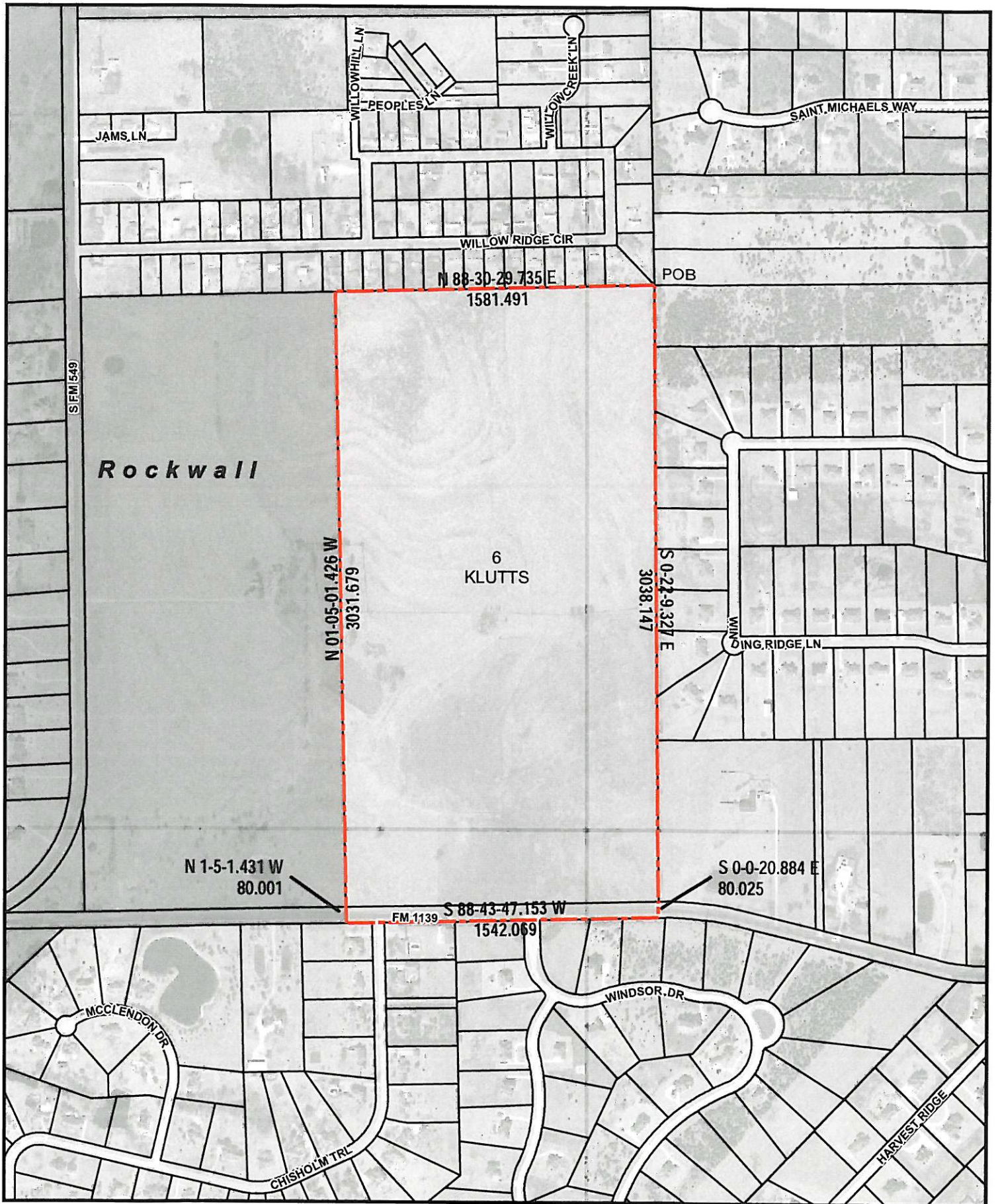
538.90 ACRES

0 125 250 375 500
1 inch = 951 feet



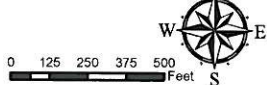
212 Development Agreements

AREA 1

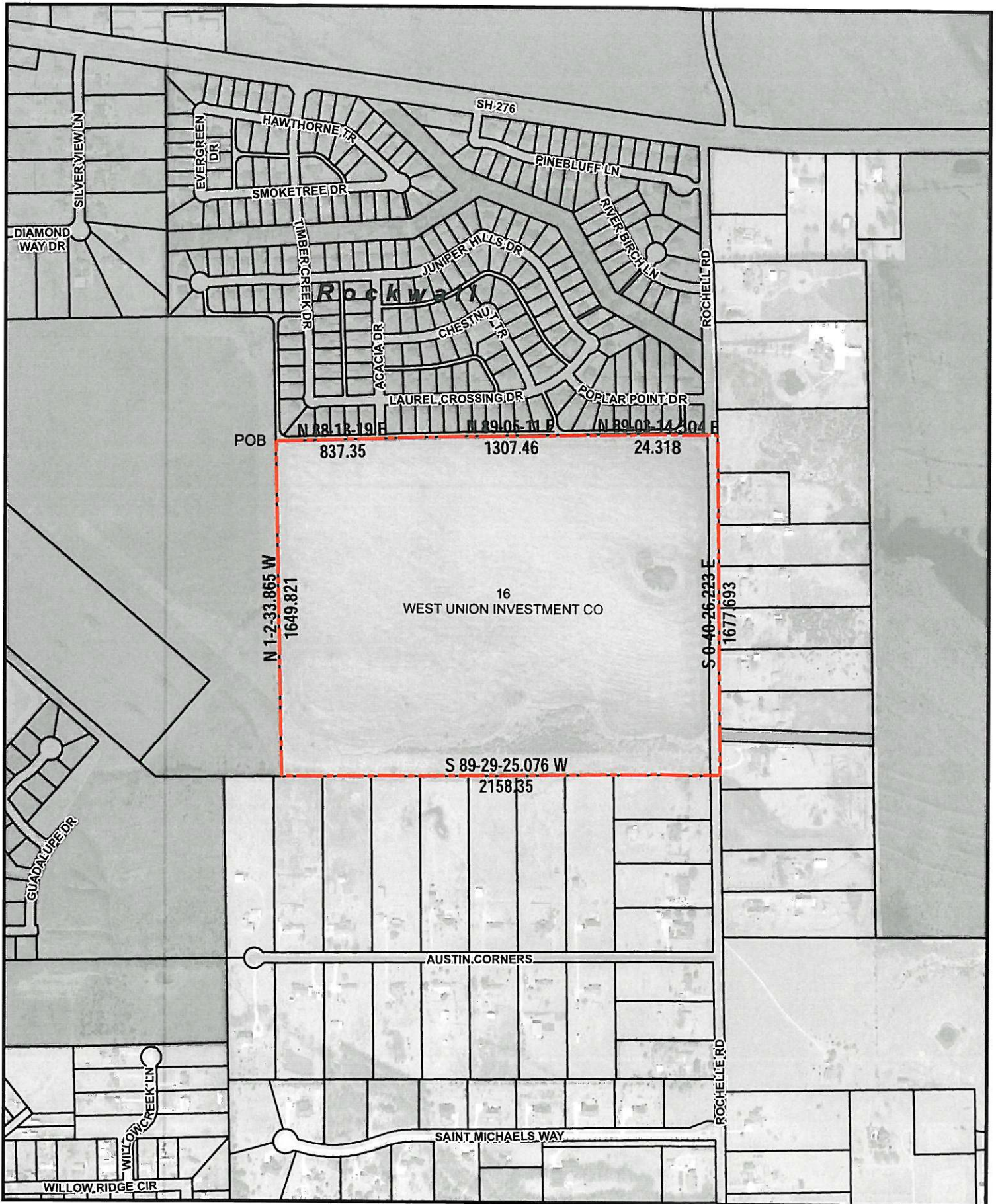


**City of
Rockwall**
FEBRUARY 1, 2010

111.80 ACRES

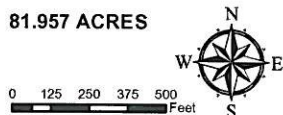


AREA 2

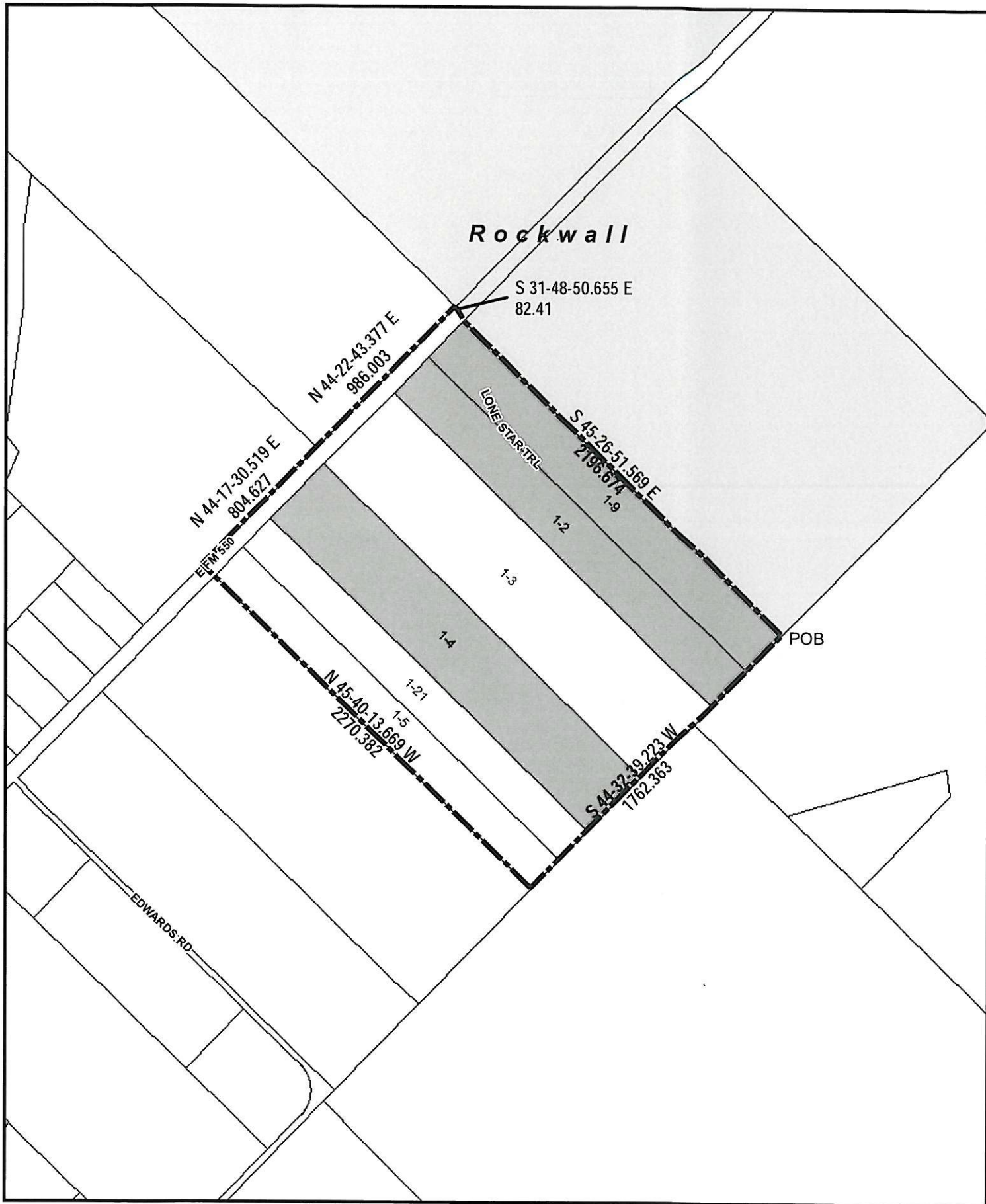


**City of
Rockwall**
FEBRUARY 1, 2010

81.957 ACRES

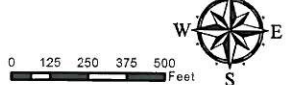



AREA 3



**City of
Rockwall**
OCTOBER 4, 2010

92.25 ACRES



 Signed 212
 Agreements Received

AREA 4

SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2010-001
City and County of Rockwall, Texas

ACREAGE ANNEXED:

Area 1 = 538.90 acres
Area 2 = 111.80 acres
Area 3 = 81.957 acres
Area 4 = 95.25 acres

SURVEY ABSTRACT AND COUNTY:

Area 1

BEING a 538.90 acre tract of land situated in the W.M. Ford Survey, Abstract No. 80 in the County of Rockwall, Texas and being more particularly described by metes and bounds as attached.

Area 2

BEING a 111.80 acre tract of land situated in the J.A. Ramsey Survey, Abstract No. 186 in the County of Rockwall, Texas and being more particularly described by metes and bounds as attached.

Area 3

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Area 4

BEING a 92.25 acre tract of land situated in the J.W. Pitman Survey, Abstract No. 181 in the County of Rockwall, Texas and being more particularly described by metes and bounds as attached.

DATE OF ADOPTION OF ANNEXATION ORDINANCE: October 4, 2010
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 by 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. 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
A2010-001**

- June 7, 2010 - Annexation presented to City Council for approval to proceed
- July 1, 2010 - Staff to prepare preliminary Service Plan and sample 212 Agreement that must be offered to qualifying property owners**
- July 1, 2010 - Notice of 1st public hearing mailed to property owners (30 days prior to 1st public hearing)
- July 15, 2010 - Notice of 2nd public hearing mailed to property owners (30 days prior to 2nd public hearing)

- | |
|---|
| July 9, 2010 - Notice Sent to Paper for publication (1 st public hearing) |
| July 16, 2010 - 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> |
| July 16, 2010 - Notification posted on Internet (< 20 & > 10 days before public hearing) |
| Aug 2, 2010 - First Public Hearing (< 40 and > 20 days before 1 st reading) |
| July 23, 2010 - Notice Sent to Paper for publication (2 nd public hearing) |
| July 30, 2010 - 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> |
| July 30, 2010 - Notification posted on Internet (< 20 & > 10 days before public hearing) |
| Aug 16, 2010 - Second Public Hearing (< 40 and > 20 days before 1 st reading) |

- Sept 7, 2010 - City Council Approve Annexation Ordinance (**First Reading**)
- Oct 4, 2010 - City Council Final Approval. (**Second Reading**)
- Dec 6, 2010 - Annexation Proceedings Must Be Completed Within 90 Days of First Reading of Ordinance (09/7/10)

**A2010-010
Legal Description**

"Area 1"

BEING a 538.90 acre tract of land situated in the W.M. Ford Survey, Abstract No. 80 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point of intersection in the Eastern Right of Way line of Jeff Boyd Dr and the Northern Right of Way line of East Cullins Rd;

THENCE N 43° 43' 2.574" E following along said Northern Right of Way line for a distance of 2149.24 feet to a point;

THENCE N 45° 18' 36.140" W following along the Western Right of Way line of East Cullins Rd for a distance of 1143.621 feet to a point lying in the Southern Right of Way line of Farm to Market Rd 549 (FM549);

THENCE N 48° 08' 10" E following along said Southern FM549 Right of Way line for a distance of 792.06 feet to a point;

THENCE N 44° 28' 10" E for a distance of 2101.60 feet to a point;

THENCE N 47° 30' 10" E for a distance of 508.30 feet to a point;

THENCE N 49° 59' 08.255" E for a distance of 402.341 feet to a point;

THENCE S 45° 51' 18.989" E for a distance of 1444.543 feet to a point;

THENCE N 00° 13' 23.433" E for a distance of 80.101 feet to a point intersecting the Northern Right of Way line of State Highway 205;

THENCE S 45° 57' 59" E following along the eastern right of way line of State Highway 205 for a distance of 2274.809 feet to a point;

THENCE S 44° 37' 29" W following along the southern property line of Abstract 80, Tract 17-13 (50 acres) for a distance of 2323.70 feet to a point;

THENCE S 43° 54' 01" W following along the southern property line of Abstract 80, Tract 17-15 (134.33 acres) for a distance of 1583.26 feet to a point;

THENCE S 43° 01' 55" E following along the eastern property line of Abstract 80, Tract 17-02 (9.75 acres) for a distance of 184.44 feet to a point;

THENCE S 43° 56' 36" W following along the southern property line of Abstract 80, Tract 17-02 (9.75 acres) for a distance of 838.18 feet to a point;

THENCE S 46° 07' 12" E following along the southwestern property line of Abstract 80, Tract 17-01 (158.248 acres) for a distance of 2180.48 feet to a point;

THENCE S 43° 58' 49" W to the southern corner of Abstract 80, Tract 13-01 (19 acres), a distance of 1329.13 feet to a point;

THENCE N 45° 29' 27.396" W following along property lines and Northern Right of Way line of Hanby Ln. for a distance of 4085.376 feet to a point;

THENCE N 44° 43' 49.089" E for a distance of 9.216 feet to a point;

THENCE N 44° 54' 7.509" W following along the Eastern Right of Way line of Jeff Boyd Dr for a distance of 917.893 feet to the Point of Beginning and containing 538.90 acres of land (23,499,869.50 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 13-1, Abstract 80 | John R & Mary V White | 19 Acres |
| Tract 13-2, Abstract 80 | John R & Mary V White | 14.609 Acres |

Exhibit "B"

| | | |
|--------------------------|--|--------------|
| Tract 13-3, Abstract 80 | John R & Mary V White | 1 Acre |
| Tract 13-7, Abstract 80 | John R & Mary V White | 2 Acres |
| Tract 13-4, Abstract 80 | John and Jane Cullins | 26.748 Acres |
| Tract 13-8, Abstract 80 | John and Jane Cullins | 1.5 Acres |
| Tract 13-11, Abstract 80 | Richard & Jo Ann Cullins and Donna Cullins/Kimberly Collichio | 26.748 Acres |
| Tract 13-12, Abstract 80 | Brian K & Judith A Schneider | 3 Acres |
| Tract 13-13, Abstract 80 | Brian K & Judith A Schneider | 2.21 Acres |
| Tract 13-14, Abstract 80 | Dana K Miller, Sandra G Holland & Terri R Ferguson | 10.35 Acres |
| Tract 13-16, Abstract 80 | Lance A and Sandra G Holland | 2.74 Acres |
| Tract 13-17, Abstract 80 | James M Ferguson Jr and Terri R Ferguson (Ila J Cullins Life Est) | 4.53 Acres |
| Tract 17-2, Abstract 80 | James Russell Wylie Jr | 9.75 Acres |
| Tract 17-14, Abstract 80 | Scott W & Glenita G Blackwood | 12.493 Acres |
| Tract 40, Abstract 80 | Alan D. Travis | 8.989 Acres |
| Tract 40-1, Abstract 80 | Alan D. Travis | 1.0 Acre |
| Tract 40-5, Abstract 80 | Terry E & Sherry I Woods | 10.50 Acres |
| Tract 40-6, Abstract 80 | George W & Bonnie C Keeling | 8.0 Acres |
| Tract 40-7, Abstract 80 | Ed & Olivia Casey Kohorst | 10.0 Acres |
| Tract 40-9, Abstract 80 | Ed & Olivia Casey Kohorst | 4.309 Acres |

"Area 2"

BEING a 111.80 acre tract of land situated in the J.A. Ramsey Survey, Abstract No. 186 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at the Southeastern most corner of Wooldridge Estates for a point of beginning;

THENCE S 00° 22' 09.327" E following along Eastern property line of Abstract 186, Tract 6 for a distance of 3038.147 feet to a point;

THENCE S 00° 00' 20.884" E for a distance of 80.025 feet to a point on the South Right of Way line of Farm to Market 1139 (FM1139);

THENCE S 88° 43' 47.153" W following along the South Right of Way of FM1139 for a distance of 1542.069 feet to a point;

THENCE N 01° 05' 01.431" W for a distance of 80.001 feet to a point lying in the North Right of Way of FM1139;

THENCE N 01° 05' 01.426" W following along the Western property line of Abstract 186, Tract 6 (eastern split portion / RCAD # 12255) for a distance of 3031.679 feet to a point;

THENCE N 88° 30' 29.735" E following along the Southern subdivision line of Wooldridge Estates for a distance of 1581.491 feet to the Point of Beginning and containing **111.80** acres of land (4,870,139.842 square feet) more or less.

"Area 3"

BEING a 81.957 acre tract of land situated in the J.A. Ramsey Survey, Abstract No. 186 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at the Southwestern most corner of Timber Creek Estates for a point of beginning;

THENCE N 88° 13' 19" E following along Southern boundary of Timber Creek Estates (nearest Lot 22) for a distance of 837.35 feet to a point;

THENCE N 89° 05' 11" E following along said Southern boundary for a distance of 1307.46 feet to a point;

THENCE N 89° 03' 14.504" E following along said Southern boundary for a distance of 24.318 feet to a point intersecting the Eastern Right of Way of Rochell Rd;

THENCE S 00° 40' 26.223" E following along said Right of Way line for a distance of 1677.693 feet to a point;

THENCE S 89° 29' 25.076" W following along the Southern property line of Abstract 186, Tract 16 for a distance of 2158.35 feet to a point;

THENCE N 01° 02' 33.865" W following along said Tract 16 western property line for a distance of 1649.821 feet to the Point of Beginning and containing **81.957** acres of land (3,570,043.269 square feet) more or less.

"Area 4"

BEING a 92.25 acre tract of land situated in the J.W. Pitman Survey, Abstract No. 181 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at the Eastern most corner of Abstract 181, T1-9 for a point of beginning;

THENCE S 44° 32' 39.223" W following along property lines for a distance of 1762.363 feet to a point;

THENCE N 45° 40' 13.669" W following along said Western boundary of Abstract 181, Tract 1-5 for a distance of 2270.382 feet to a point intersecting the Northern Right of Way line of Farm to Market Rd 550 (FM550);

THENCE N 44° 17' 30.519" E following along said Right of Way line for a distance of 804.627 feet to a point;

THENCE N 44° 22' 43.377" E following along said Right of Way line for a distance of 986.003 feet to a point;

THENCE S 31° 48' 50.655" E crossing to the south Right of Way line of FM550 for a distance of 82.41 feet to a point;

THENCE S 45° 26' 51.569" E following along Abstract 181, Tract 16 northeastern property line for a distance of 2191.674 feet to the Point of Beginning and containing 92.25 acres of land (4,018,211.185 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 1-2, Abstract 181 | Christy L Bray | 12.49 Acres |
| Tract 1-9, Abstract 181 | Brent & Shannon Nalley | 12.49 Acres |
| Tract 1-4, Abstract 181 | S Mark Olmstead | 20 Acres |

The above descriptions to follow all existing City of Rockwall City Limit boundaries.