

CITY OF ROCKWALL

ORDINANCE NO. 21-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A REQUEST FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 20.83-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the *Subject Property* is a 20.83-acre tract of land identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, that lies adjacent to and adjoins the present boundaries of the City of Rockwall, and which is depicted and described in *Exhibit 'A'* of this ordinance; and

WHEREAS, in accordance with Subchapter C-3 of Chapter 43 and Section 212.172(b) of the Texas Local Government Code, the City of Rockwall entered into a *Development Agreement* with Allen and Lisa Stevenson on June 24, 2021; and

WHEREAS, in accordance with the *Development Agreement* the City of Rockwall has received a request from Allen and Lisa Stevenson for the annexation of the subject property on June 24, 2021; and

WHEREAS, Allen and Lisa Stevenson provided the City of Rockwall with a signed copy of the *Municipal Services Agreement* contained in *Exhibit 'B'* of this ordinance on June 24, 2021; and

WHEREAS, in accordance with the requirements of Subchapter C-3, *Annexation of Area on the Request of Owners*, of Chapter 43, *Municipal Annexation*, of the Texas Local Government Code, a public hearing was held before the governing body of the City of Rockwall, Texas, where all interested persons were provided with an opportunity to be heard on July 19, 2021 at 6:00 PM in the City Council Chambers at City Hall, which is located at 385 S. Goliad Street, Rockwall, Texas 75087; and

WHEREAS, notice of such public hearing was published in a newspaper having general circulation in the City of Rockwall, Rockwall County, Texas and in the territory described herein on July 2, 2021 and posted on the City of Rockwall's website on July 1, 2021 said dates being not more than twenty (20) days nor less than ten (10) days prior to the dates of such public hearings;

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 in *Exhibit 'A'* and incorporated by reference as the *Subject Property*, containing 20.83-acres which is adjacent to and adjoining the

present corporate boundaries of the City of Rockwall, Rockwall County, Texas, is hereby added and annexed to the City of Rockwall, Rockwall County, Texas and said territory as described herein shall hereafter be included within the corporate boundary limits of the City of Rockwall, Rockwall County, 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* referenced above, is hereby approved with a copy of said plan being attached hereto and incorporated by reference for all purposes and labeled *Exhibit 'B'*.

SECTION 6. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable

SECTION 7. 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.

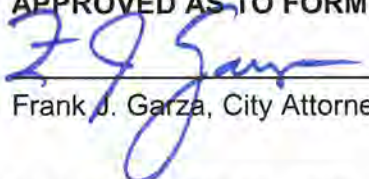
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 2ND DAY OF AUGUST, 2021.



Kevin Fowler, Mayor

ATTEST:


Kristy Cole, City Secretary

APPROVED AS TO FORM:


Frank J. Garza, City Attorney



1st Reading: July 19, 2021

2nd Reading: August 2, 2021

Exhibit 'A'
Legal Description/Location Map

BEING a tract or parcel of Land situated in the William Dalton Survey, Abstract No. 72, Rockwall County, Texas, and being part of an 80-acre tract conveyed to E. L. Adams by T. H. Adams, by deed recorded in *Volume 11, Page 475, Deed Records* of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod in a County Road and at the Northwest corner of the above-mentioned 80-acre tract;

THENCE North 89 deg. 50 min. 30 sec. East, a distance of 684.33 feet along said Country Road to an iron rod for a corner, said iron rod bears South 89 deg. 50 min. 30 sec. West, a distance of 661.40 feet from the Northeast Corner of said 80-acre tract;

THENCE South 0 deg. 16 min. 03 sec. East, a distance of 1319.86 feet traversing said 80-acre tract to an iron rod for a corner;

THENCE South 89 deg. 22 min. 53 sec. West, a distance of 687.71 feet to an iron rod for a corner on the West line of said 80-acre tract and at the Northeast corner of Meadowview Ranch Estates, an addition to the County of Rockwall;

THENCE North 0 deg. 07 min. 17 sec. West, a distance of 1325.38 feet along the West line of said 80-acre tract to the *POINT OF BEGINNING* and containing 20.83-acres of land.

Exhibit 'A'
Legal Description/Location Map

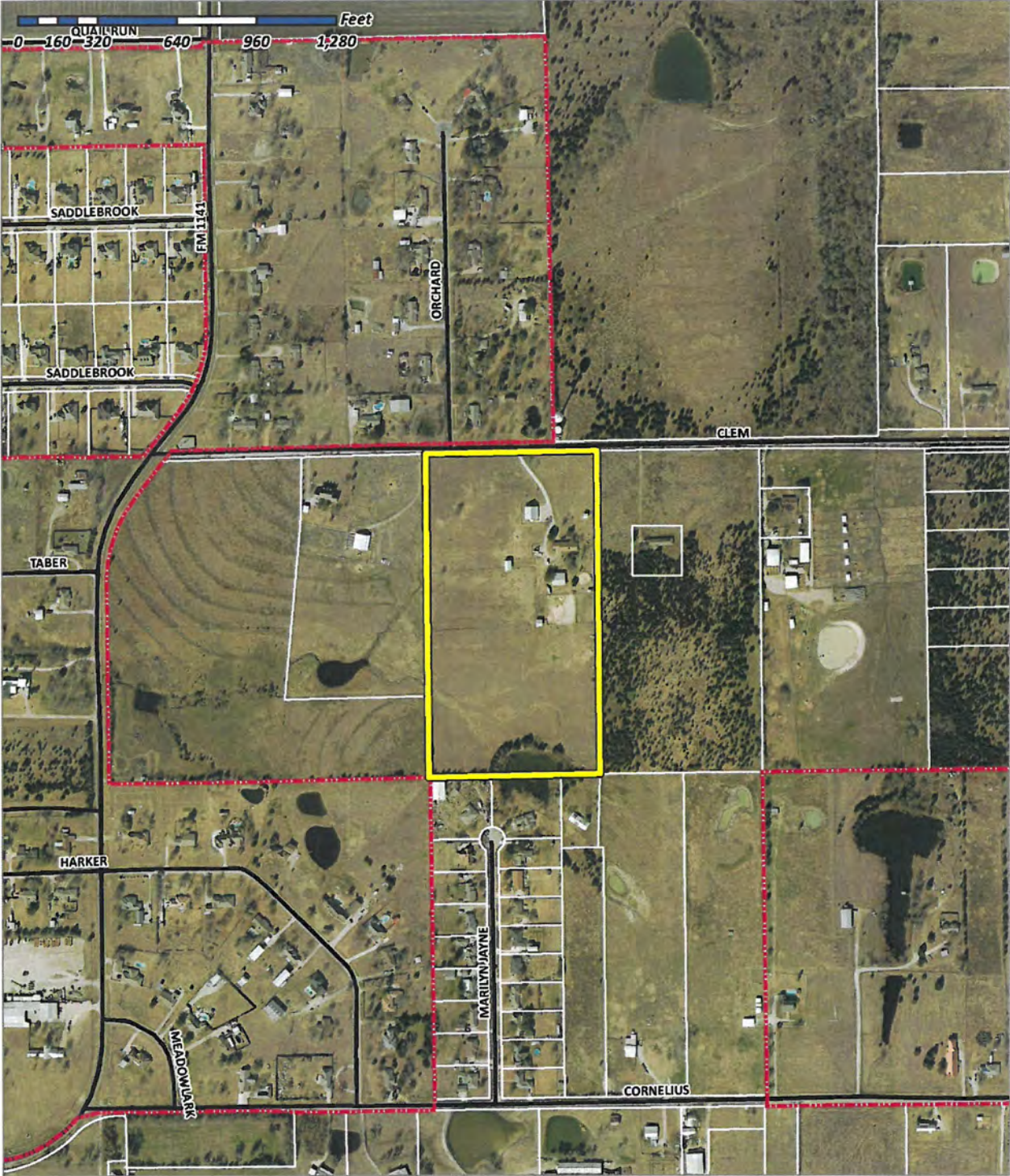


Exhibit 'B'
Service Plan

MUNICIPAL SERVICES AGREEMENT FOR ANNEXATION

Annexation Case No. A2021-004
City and County of Rockwall, Texas

Acreage Annexed: 20.83-Acres

Survey Abstract and County: Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas

Date of Annexation Request: June 24, 2021

Municipal Services Agreement. In accordance with Section 43.0672 of the Texas Local Government Code, the following agreement outlines the provision and timing of municipal services that will be furnished by or on the behalf of the City of Rockwall, Texas to the subject property which is described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this agreement:

(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

Exhibit 'B'
Service Plan

- 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, Unified Development Code (UDC) [*i.e.* *Zoning Ordinance*], and Municipal 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 (2) 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 streets, roads and street/roadway lighting 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.

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Service Plan

- (3) The same level of maintenance shall be provided to public streets and roadways within this property that have been accepted by the City of Rockwall as is provided to like City streets and roadways 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 Municipal 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 Municipal 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 or Off-Site Sanitary Sewer Facilities (OSSF) constructed prior to annexation 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 or for systems installed prior to annexation.

(J) Public Utilities.

- (1) Other public utilities will be provided by the City's franchisee or a provider holding a Certificate of Convenience and Necessity (CCN) issued by the state to serve that area.

(K) Miscellaneous.

Exhibit 'B'
Service Plan

- (1) General municipal administration services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.