

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 07-36

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 18.15 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:

All that certain lots, tracts, or parcels of land situated in the W. Dalton Survey, Abstract No. 72, Rockwall, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point for a corner in the South right of way line of State Highway 66, said point being approximately 60.00' South of the Southwestern most corner of Abstract 72, Tract 11-1, (5.00 acre);

THENCE North, along the West property line of said Tract 11-1 for a distance of 660.69 feet to a point for a corner;

THENCE S 89° 56' 26" E, along the North property line of said Tract 11-1 for a distance of 362.58 feet to a point for a corner;

THENCE North, along the West property line of Abstract 72, Tract 1 for a distance of 170.31 feet to a point for a corner;

THENCE N 89° 18' 26" E, along the North property line of said Tract 1 for a distance of 890.74 feet to a point for a corner;

THENCE South, along the East property lines of Tract 1 for a distance of 759.98 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 468.87 feet to a point for a corner;

THENCE North, along the East property line of Abstract 72, Tract 2-3 for a distance of 232.74 feet to a point for a corner;

THENCE along a curve to the right, chord bearing N 39°-28'-15" W, chord distance 91.41 feet, with a radius of 150.00 feet to a point for a corner;

THENCE S 89°-16'-51" W, along the North property line of Abstract 72, Tract 2-3 for a distance of 365.00 feet to a point for a corner;

THENCE South, along the West property line of Abstract 72, Tract 2-3 for a distance of 305.19 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 361.39 feet to the Point of Beginning, containing **18.15** acres (790395.80 square feet) of land more or less.

On the 23rd day of July, 2007, at 6:00 p.m. and on the 30th day of July, 2007, at 6:00 p.m. at City Hall, 385 S. Goliad, Rockwall, Texas said dates being not more than forty nor less than twenty days prior to the institution of annexation proceedings; and

WHEREAS, notice of such public hearings was published in a newspaper having general circulation in the City of Rockwall, Texas and in the territory described herein on the 5th day of July, 2007 and on the 12th day of July, 2007 and posted on the City of Rockwall Internet site on the 5th day of July, 2007 and the 12th day of July, 2007 said dates being not more than twenty nor less than ten 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 18.15 acres;

WHEREAS, pursuant to Section 3 of the Chapter 212 Development Agreement between the property owners and the City of Rockwall filed for record in County Clerk's office in Rockwall County on April 27, 2007, the City is authorized to enforce the City's land use and development regulations in the same manner the regulations are enforced within the City's boundaries. If any Owner commences development of the Owners' Property, in violation the Agreement and the terms contained in Section 2 of the Agreement, such act shall be deemed inconsistent with the Development Plan. In addition to the City's other remedies, such act will constitute a petition for voluntary annexation by all of the Owners, and that Owner's Properties will be subject to annexation, at the discretion of the City Council. The parties agree that such annexation shall be voluntary and the Owners hereby consent to such annexation as if though a petition for such annexation had been tendered by offending Owner.

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 18.15 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 4th day of September, 2007.



William R. Cecil, Mayor

ATTEST:

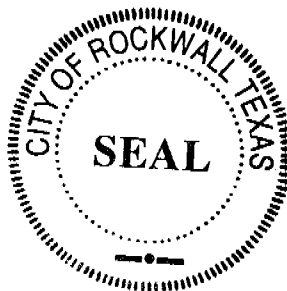


Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 08-20-07

2nd Reading: 09-04-07

Exhibit "A"

LEGAL DESCRIPTION

All that certain lots, tracts, or parcels of land situated in the W. Dalton Survey, Abstract No. 72, Rockwall, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point for a corner in the South right of way line of State Highway 66, said point being approximately 60.00' South of the Southwestern most corner of Abstract 72, Tract 11-1, (5.00 acre);

THENCE North, along the West property line of said Tract 11-1 for a distance of 660.69 feet to a point for a corner;

THENCE S 89° 56' 26" E, along the North property line of said Tract 11-1 for a distance of 362.58 feet to a point for a corner;

THENCE North, along the West property line of Abstract 72, Tract 1 for a distance of 170.31 feet to a point for a corner;

THENCE N 89° 18' 26" E, along the North property line of said Tract 1 for a distance of 890.74 feet to a point for a corner;

THENCE South, along the East property lines of Tract 1 for a distance of 759.98 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 468.87 feet to a point for a corner;

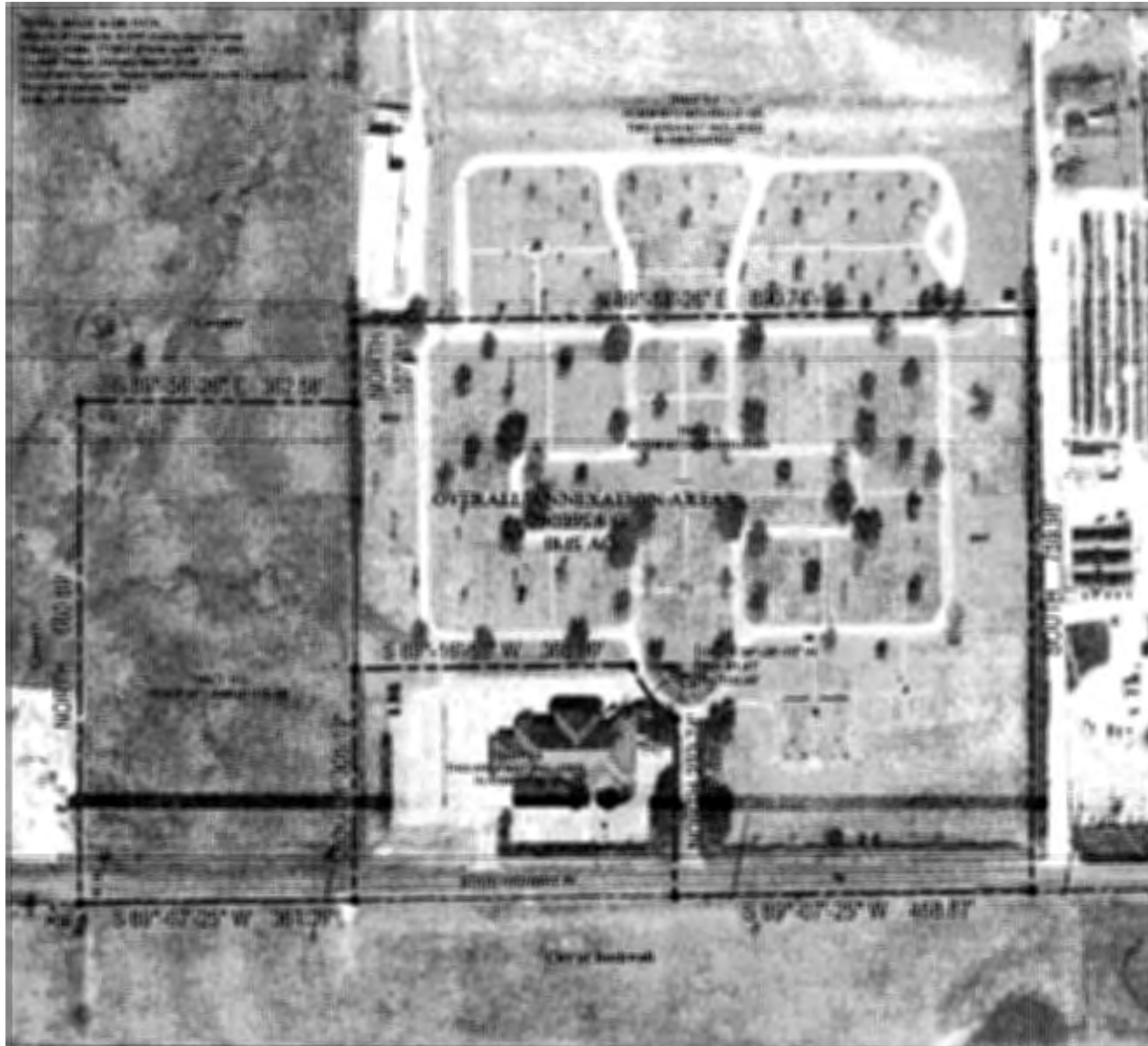
THENCE North, along the East property line of Abstract 72, Tract 2-3 for a distance of 232.74 feet to a point for a corner;

THENCE along a curve to the right, chord bearing N 39°-28'-15" W, chord distance 91.41 feet, with a radius of 150.00 feet to a point for a corner;

THENCE S 89°-16'-51" W, along the North property line of Abstract 72, Tract 2-3 for a distance of 365.00 feet to a point for a corner;

THENCE South, along the West property line of Abstract 72, Tract 2-3 for a distance of 305.19 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 361.39 feet to the Point of Beginning, containing **18.15** acres (790395.80 square feet) of land more or less.



DESCRIPTION

All that certain lots, tracts, or parcels of land situated in the W. Dalton Survey, Abstract No. 72, Rockwall, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point for a corner in the South right of way line of State Highway 66, said point being approximately 60.00' South of the Southwestern most corner of Abstract 72, Tract 11-1, (5.00 acre);

THENCE North, along the West property line of said Tract 11-1 for a distance of 660.69 feet to a point for a corner;

THENCE S 89° 56' 26" E, along the North property line of said Tract 11-1 for a distance of 362.58 feet to a point for a corner;

THENCE North, along the West property line of Abstract 72, Tract 1 for a distance of 170.31 feet to a point for a corner;

THENCE N 89° 18' 26" E, along the North property line of said Tract 1 for a distance of 890.74 feet to a point for a corner;

THENCE South, along the East property lines of Tract 1 for a distance of 759.98 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 468.87 feet to a point for a corner;

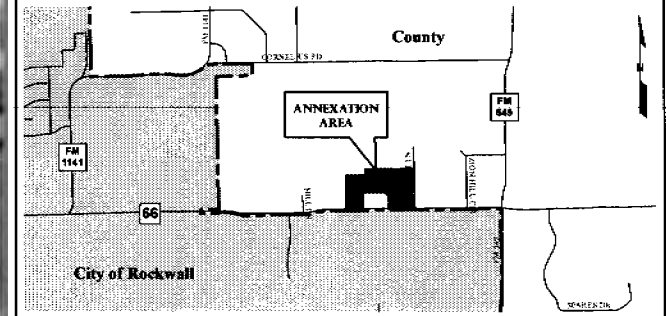
THENCE North, along the East property line of Abstract 72, Tract 2-3 for a distance of 232.74 feet to a point for a corner;

THENCE along a curve to the right, chord bearing N 39°-28'-15" W, chord distance 91.41 feet, with a radius of 150.00 feet to a point for a corner;

THENCE S 89°-16'-51" W, along the North property line of Abstract 72, Tract 2-3 for a distance of 365.00 feet to a point for a corner;

THENCE South, along the West property line of Abstract 72, Tract 2-3 for a distance of 305.19 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 361.39 feet to the Point of Beginning, containing **18.15** acres (790395.80 square feet) of land more or less.



City of Rockwall

MAP DATE: AUGUST 8, 2007

DATA SOURCE: ROCKWALL COUNTY ABSTRACTS; ROCKWALL COUNTY APPRAISAL DISTRICT; NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS; CITY OF ROCKWALL GEOGRAPHIC INFORMATION SYSTEMS
 0 37.5 75 150 225 300 Feet
 CITY OF ROCKWALL GEOGRAPHIC INFORMATION SYSTEMS



ANNEXATION

CAIN CEMETERY CORP. PROPERTY (STATE HIGHWAY 66 EAST)

EXHIBIT "B"

SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2007-001
City and County of Rockwall, Texas

ACREAGE ANNEXED:

18.15 acres

SURVEY ABSTRACT AND COUNTY:

BEING a 18.15 acre tract of land situated in the W. Dalton Survey, Abstract No. 72, Rockwall, Rockwall County, Texas.

DATE OF ADOPTION OF ANNEXATION ORDINANCE: *September 4, 2007*

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 the 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 the 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 within 60 days 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. The City of Rockwall does not currently have the right to provide water service to a portion of the proposed area of annexation. A large portion does not have a certificate of convenience and necessity (CCN) and once the area is annexed, the City can serve it in the future. Mt. Zion Water Supply Corp. is the provider holding a certificate of convenience and necessity issued by the State of Texas to serve a portion of the area to be annexed- at the SW corner of FM-549 and Cornelius Rd., and the existing properties along Cornelius, from FM-549 to FM-1141. The areas not having a certificate of convenience and necessity (CCN) will be provided water service within 4 ½ years of the effective date of annexation. 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. Once annexed the City of Rockwall will have the right to provide sanitary sewer service to the proposed area of annexation. Sanitary sewer service will be provided to the area within 4 ½ years of the effective date of annexation. Currently, the properties are served by private, on-site sanitary sewer facilities. These private sewer facilities 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.

Boundary Description

All that certain lots, tracts, or parcels of land situated in the W. Dalton Survey, Abstract No. 72, Rockwall, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point for a corner in the South right of way line of State Highway 66, said point being approximately 60.00' South of the Southwestern most corner of Abstract 72, Tract 11-1, (5.00 acre);

THENCE North, along the West property line of said Tract 11-1 for a distance of 660.69 feet to a point for a corner;

THENCE S 89° 56' 26" E, along the North property line of said Tract 11-1 for a distance of 362.58 feet to a point for a corner;

THENCE North, along the West property line of Abstract 72, Tract 1 for a distance of 170.31 feet to a point for a corner;

THENCE N 89° 18' 26" E, along the North property line of said Tract 1 for a distance of 890.74 feet to a point for a corner;

THENCE South, along the East property lines of Tract 1 for a distance of 759.98 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 468.87 feet to a point for a corner;

THENCE North, along the East property line of Abstract 72, Tract 2-3 for a distance of 232.74 feet to a point for a corner;

THENCE along a curve to the right, chord bearing N 39°-28'-15" W, chord distance 91.41 feet, with a radius of 150.00 feet to a point for a corner;

THENCE S 89°-16'-51" W, along the North property line of Abstract 72, Tract 2-3 for a distance of 365.00 feet to a point for a corner;

THENCE South, along the West property line of Abstract 72, Tract 2-3 for a distance of 305.19 feet to a point for a corner;

THENCE S 89°-07'-25" W, along the existing City of Rockwall Limits for a distance of 361.39 feet to the Point of Beginning, containing **18.15** acres (790395.80 square feet) of land more or less.

Annexation Schedule

- June 18, 2007 - Annexation presented to City Council for approval to proceed
- June 22, 2007 - Notice of public hearing mailed to property owners (*30 days prior to 1st public hearing*)

- | | |
|-----------------|--|
| June 29, 2007 - | Notice Sent to Paper for publication (1 st public hearing) |
| July 5, 2007 - | Notification Appears in Newspaper for 1 st Public Hearing (< 20 and > 10 days before public hearings). <u>Obtain required affidavit of publication from paper</u> |
| July 5, 2007 - | Notification is posted on Internet (< 20 & > 10 days before public hearing) |
| July 23, 2007 - | First Public Hearing (< 40 and > 20 days before 1 st reading) |
| July 6, 2007 - | Notice Sent to Paper for publication (2 nd public hearing) |
| July 12, 2007 - | 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 12, 2007 - | Notification is posted on Internet (< 20 & > 10 days before public hearing) |
| July 30, 2007 - | Second Public Hearing (< 40 and > 20 days before 1 st reading) |

- August 20, 2007 - City Council Approve Annexation Ordinance (**First Reading**)
- September 4, 2007 - City Council Final Approval. (**Second Reading**)
- November 20, 2007 - Annexation Proceedings Must Be Completed Within 90 Days of First Reading of Ordinance (08/20/07)