

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 09-49

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 66.381 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 2nd day of November, 2009, at 6:00 p.m. and on the 2nd day of November, 2009, at 6:30 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, on the proposed annexation of the following described territories:

“Tract 1” (HO MING-TAO & JUI-LIEN CHOU PROPERTIES)

BEING a 60.62 acre tract of land situated in the J.H. Bailey Survey, Abstract No. 22 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point at the southwestern corner of Abstract 22, Tract 4-1 (30.31 ac);

THENCE N 00° 46' 24.017" W following along said Tract 4-1 West property line for a distance of 500.62 feet to a point;

THENCE S 89° 13' 35.913" W following along said Tract 4-1 West property line for a distance of 273.814 feet to a point;

THENCE N 00° 46' 24.059" W following along said Tract 4-1 & 4-3 West property lines for a distance of 864.46 feet to a point;

THENCE N 89° 13' 35.920" E following along said Tract 4-3 North property line for a distance of 2017.002 feet to a point;

THENCE S 01° 41' 21.122" E following along said Tract 4-3 East property line for a distance of 652.563 feet to a point;

THENCE S 01° 41' 21.097" E following along said Tract 4-1 East property line for a distance of 712.683 feet to a point;

THENCE S 89° 13' 35.024" W along said Tract 4-1 South property line for a distance of 1760.833 feet to the Point of Beginning and containing 60.62 acres of land (2,640,607.20 square feet) more or less.

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

“Tract 2” (RONALD W & HOLLY BURKETT PROPERTY)

BEING a 5.761 acre tract of land situated in the J.H. Robnett Survey, Abstract No. 182 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point at the Northeastern corner of Abstract 182, Tract 1-5 (5.761 ac) and the West Right of Way line of Dowell Road, Lot also known as 648 Dowell Road;

THENCE S 00° 30' 49.834" E following along said Tract 1-5 East property line for a distance of 186.844 feet to a point;

THENCE S 88° 50' 13.482" W following along said Tract 1-5 South property line for a distance of 1099.159 feet to a point;

THENCE N 09° 16' 10.859" E for a distance of 259.138 feet to a point;

THENCE S 87° 28' 17.704" E along said Tract 1-5 North property line for a distance of 1056.543 feet to the Point of Beginning and containing 5.761 acres of land (250,949.16 square feet) more or less.

The above description to 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 20th day of October, 2009, and posted on the City of Rockwall Internet site on the 20th day of October, 2009, 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 66.381-acres;

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 66.381 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."

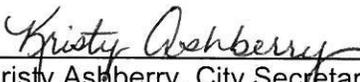
Section 6. That this ordinance shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Rockwall, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 21st day of December, 2009.



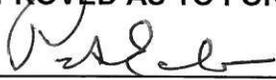
William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



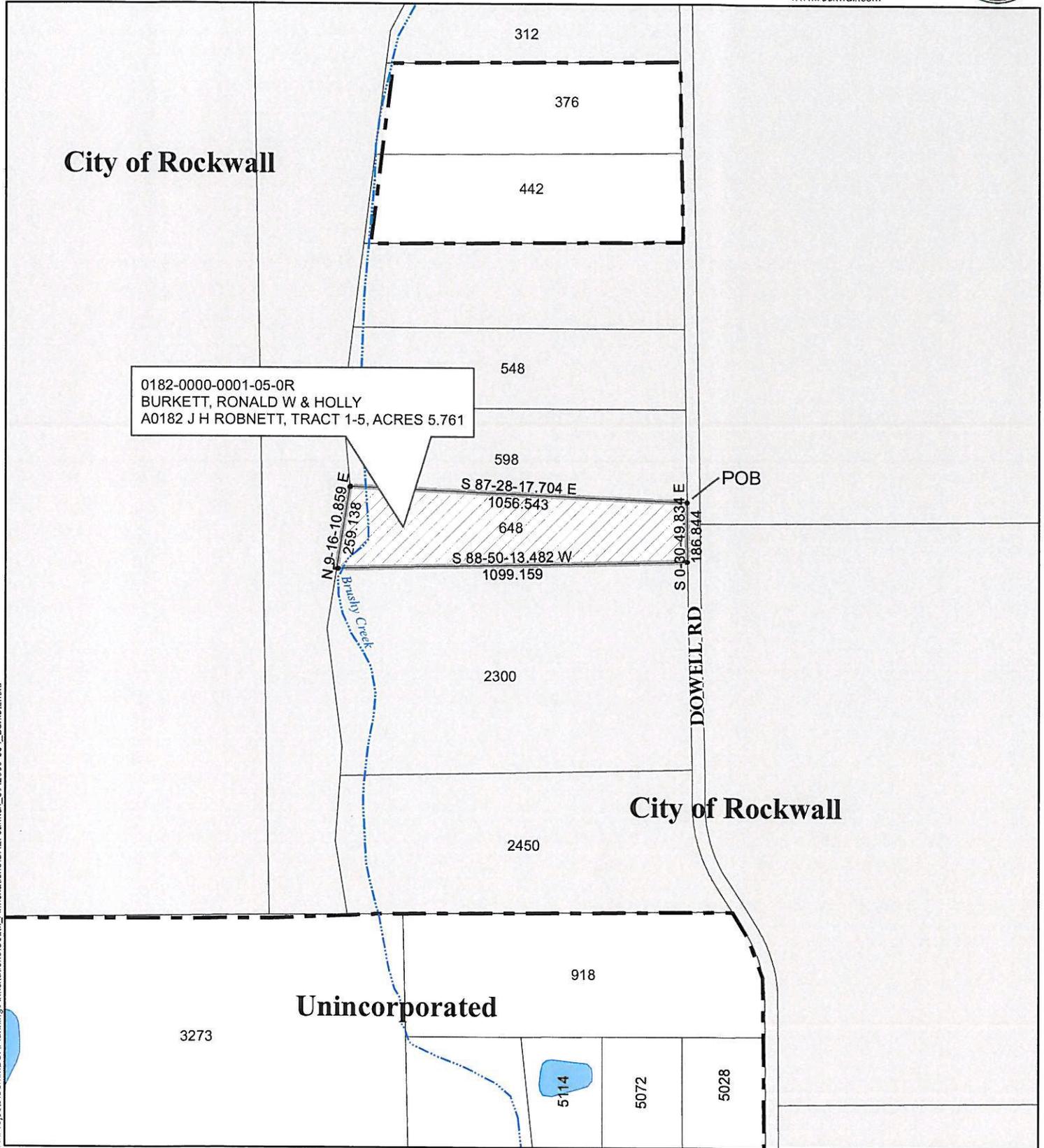
Pete Eckert, City Attorney

1st Reading: 12-07-09

2nd Reading: 12-21-09

Legend

 Subject Property

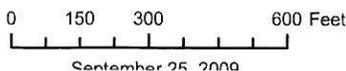


0182-0000-0001-05-0R
 BURKETT, RONALD W & HOLLY
 A0182 J H ROBNETT, TRACT 1-5, ACRES 5.761

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**A2009-004 EXHIBIT "A" - Tract 2
 ANNEXATION
 Burkett Property**



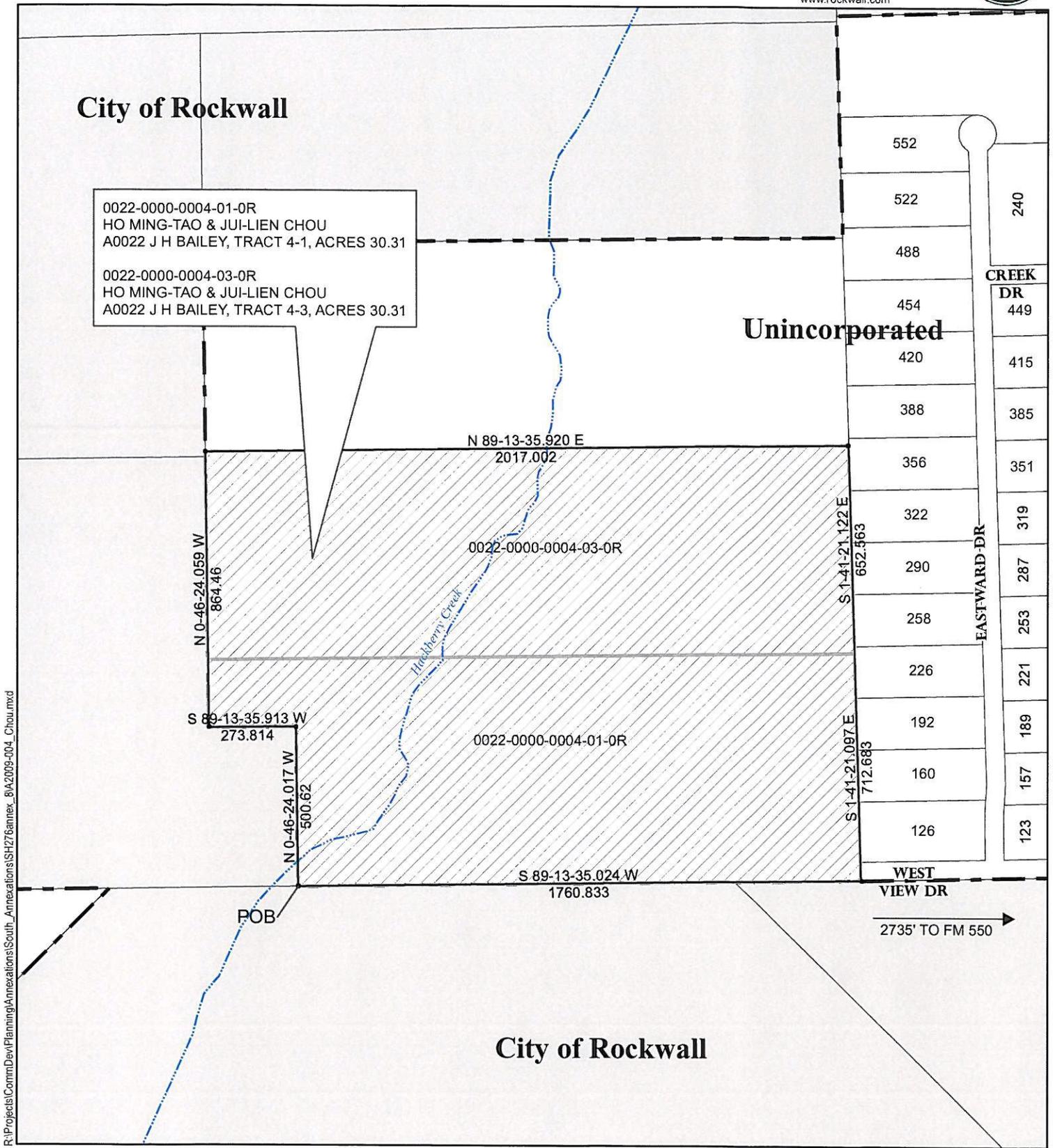
September 25, 2009

CITY OF ROCKWALL DEPARTMENT OF PLANNING AND ZONING

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

Legend

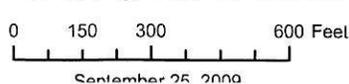
 Subject Property



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A2009-004 EXHIBIT "A" - Tract 1 ANNEXATION
Ho Ming-Tao & Jui-Lien Chou Property



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SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2009-004
City and County of Rockwall, Texas

ACREAGE ANNEXED:

Area = 66.381 acres

SURVEY ABSTRACT AND COUNTY:

BEING two tracts of land comprised of 66.381-acres overall and situated in the J.H. Robnett Survey, Abstract No. 182; and J.H. Bailey Survey, Abstract No. 22; in the County of Rockwall, Texas and being more particularly described by metes and bounds as attached.

DATE OF ADOPTION OF ANNEXATION ORDINANCE: December 21, 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, 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 A2009-004

- August 14, 2009 - Notice (Certified Mail) of City's intent to accept voluntary petition(s) for annexation (90 days prior to Expiration of 212)
- October 2, 2009 - Notice of 1st public hearing mailed to property owners (30 days prior to 1st public hearing)
- October 2, 2009 - Notice of 2nd public hearing mailed to property owners (30 days prior to 2nd public hearing)

- October 15, 2009 - Notice Sent to Paper for publication (1st public hearing)
- October 20, 2009 - Notification Appears in Newspaper for 1st Public Hearing (< 20 and > 10 days before public hearing). Obtain required affidavit of publication from paper
- October 20, 2009 - Notification is posted on Internet (< 20 & > 10 days before public hearing)
- November 2, 2009 - First Public Hearing (< 40 and > 20 days before 1st reading)
- October 15, 2009 - Notice Sent to Paper for publication (2nd public hearing)
- October 20, 2009 - Notification Appears in Newspaper for 2nd Public Hearing (< 20 and > 10 days before public hearing). Obtain required affidavit of publication from paper
- October 20, 2009 - Notification is posted on Internet (< 20 & > 10 days before public hearing)
- November 2, 2009 - Second Public Hearing (< 40 and > 20 days before 1st reading)

November 17, 2009 - Current 212 Agreements Expire

- December 7, 2009 - City Council Approve Annexation Ordinance (**First Reading**)
- December 21, 2009 - City Council Final Approval. (**Second Reading**)
- March 6, 2010 - Annexation Proceedings Must Be Completed Within 90 Days of First Reading of Ordinance (12/07/09)

**A2009-004
Legal Description**

"Tract 1" (HO MING-TAO & JUI-LIEN CHOU PROPERTIES)

BEING a 60.62 acre tract of land situated in the J.H. Bailey Survey, Abstract No. 22 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point at the southwestern corner of Abstract 22, Tract 4-1 (30.31 ac);

THENCE N 00° 46' 24.017" W following along said Tract 4-1 West property line for a distance of 500.62 feet to a point;

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

"Tract 2" (RONALD W & HOLLY BURKETT PROPERTY)

BEING a 5.761 acre tract of land situated in the J.H. Robnett Survey, Abstract No. 182 in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point at the Northeastern corner of Abstract 182, Tract 1-5 (5.761 ac) and the West Right of Way line of Dowell Road, Lot also known as 648 Dowell Road;

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