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CITY OF FATE, TEXAS

STATE OF TEXAS)
) CERTIFICATE TO COPY OF PUBLIC RECORD
COUNTY OF ROCKWALL)

I hereby certify, in the performance of the functions of my office, that the attached record, composed of nine (9) pages of documents, is a full, true and correct copy of City of Fate, Texas, Ordinance No. O-1711, duly adopted by the City of Fate, Texas City Council on May 15, 2017 and that said document appears of record, and that said document is an official record of the City of Fate, Rockwall County, State of Texas.

I further certify that I am the City Secretary of the City of Fate, Rockwall County, Texas, that I am a custodian of said record, and that I am a lawful possessor and keeper, and have legal custody of the records of the City of Fate, Rockwall County, Texas.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 16th day of May, 2017.

Victoria Raduechel

Victoria Raduechel, City Secretary
City of Fate, Texas

(SEAL)

ORDINANCE NO. O-1711

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FATE, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY OF APPROXIMATELY 28.58 ACRES GENERALLY LOCATED SOUTH OF I-30, WEST OF FM 548, EAST OF BLACKLAND ROAD AND NORTH OF LINDA LANE INTO THE CITY OF FATE, ROCKWALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP AND BOUNDARIES OF SAID CITY; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fate, Texas ("City") is authorized, pursuant to Chapter 43 of the Texas Local Government Code and the home-rule charter for the City of Fate to annex territory and extend the corporate limits of the City, subject to state law; and

WHEREAS, the City desires to annex certain territory described herein (the "Property"); and

WHEREAS, all of the Property described herein is contiguous to and within the exclusive extraterritorial jurisdiction of the City; and

WHEREAS, all required notices, all public hearings, and all requirements for such annexation have been provided, held, and met in accordance with applicable law; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a Service Plan for the area to be annexed was prepared and made available to the public and is attached hereto and incorporated herein; and

WHEREAS, the City Council of the City of Fate finds and determines that annexation of the Property hereinafter described is in the best interests of the citizens of the City of Fate and the owners and residents of the area.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FATE, TEXAS:

SECTION 1. Findings. It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

SECTION 2. Annexation. That the following described territory, to wit:

Rockwall CAD Property ID 11049, generally located south of I-30, west of FM 548 and east of Blackland Road and north of Linda Lane and being an approximate 28.58 acre tract of land situated in the S C Hart Survey, Abstract No. 105, Tract 3, Rockwall County, Texas, and being more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

be and the same is hereby annexed into the City of Fate, Rockwall County, Texas, and that the boundary limits of the City of Fate, Texas, be and the same are hereby extended to include the above-described territory within the city limits of the City of Fate, and that same shall hereafter be included within the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of all other citizens of the City of Fate, Texas, and shall be bound by the ordinances, resolutions, acts and regulations of the City.

SECTION 3. Service Plan. A Service Plan prepared in accordance with applicable provision of state law pertaining to annexation is attached hereto as Exhibit "C" and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

SECTION 4. Official Map. The official map and boundaries of the City, previously adopted, are amended to include the Property as part of the City of Fate. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the annexed Property as required by applicable law.

SECTION 5. Severability Clause. It is hereby declared by the City Council of the City of Fate that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

SECTION 6. Cumulative Clause. This ordinance shall be cumulative of all provisions of ordinances of the City of Fate except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. Public Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 8. Filing Instructions. The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Rockwall County, Texas, and with other appropriate officials and agencies as required by state and federal law.

SECTION 9. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council of the City of Fate, Texas.

PASSED AND APPROVED by the City Council of the City of Fate, Texas, this 15th day of May, 2017.

Lorne Megyesi, Mayor

ATTEST:

Vickey Radnechel, City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney

EXHIBIT A

all that certain lot, tract or parcel of land, being out of the S. C. Hart Survey, Abstract No. 105, and part of that tract conveyed to Joe F. Cross and wife, Frank Cross, recorded in Volume 43, Page 534, Deed Records, Rockwall County, Texas, and more particularly described as follows:

BEGINNING at an iron rod in the East corner of said S. C. Hart Survey;

THENCE South 44 Degrees 57' West, with the Southeast line of said Hart Survey, 669.18 feet to an iron rod for corner;

THENCE North 46 Degrees 17' West, 1861.21 feet to an iron rod for corner;

THENCE North 44 Degrees 57' East, 669.18 feet to an iron rod in ditch on the Northeast line of said Hart Survey for corner;

THENCE South 46 Degrees 17' East, with said Northeast line of Hart Survey, 1861.21 feet to the Place of Beginning and containing 28.585 acres of land, ~~more or less,~~ of which 0.31 acre lies in a public road, as surveyed by Pat L. Presley, Registered Public Surveyor, by survey dated August 11, 1971.

EXHIBIT B

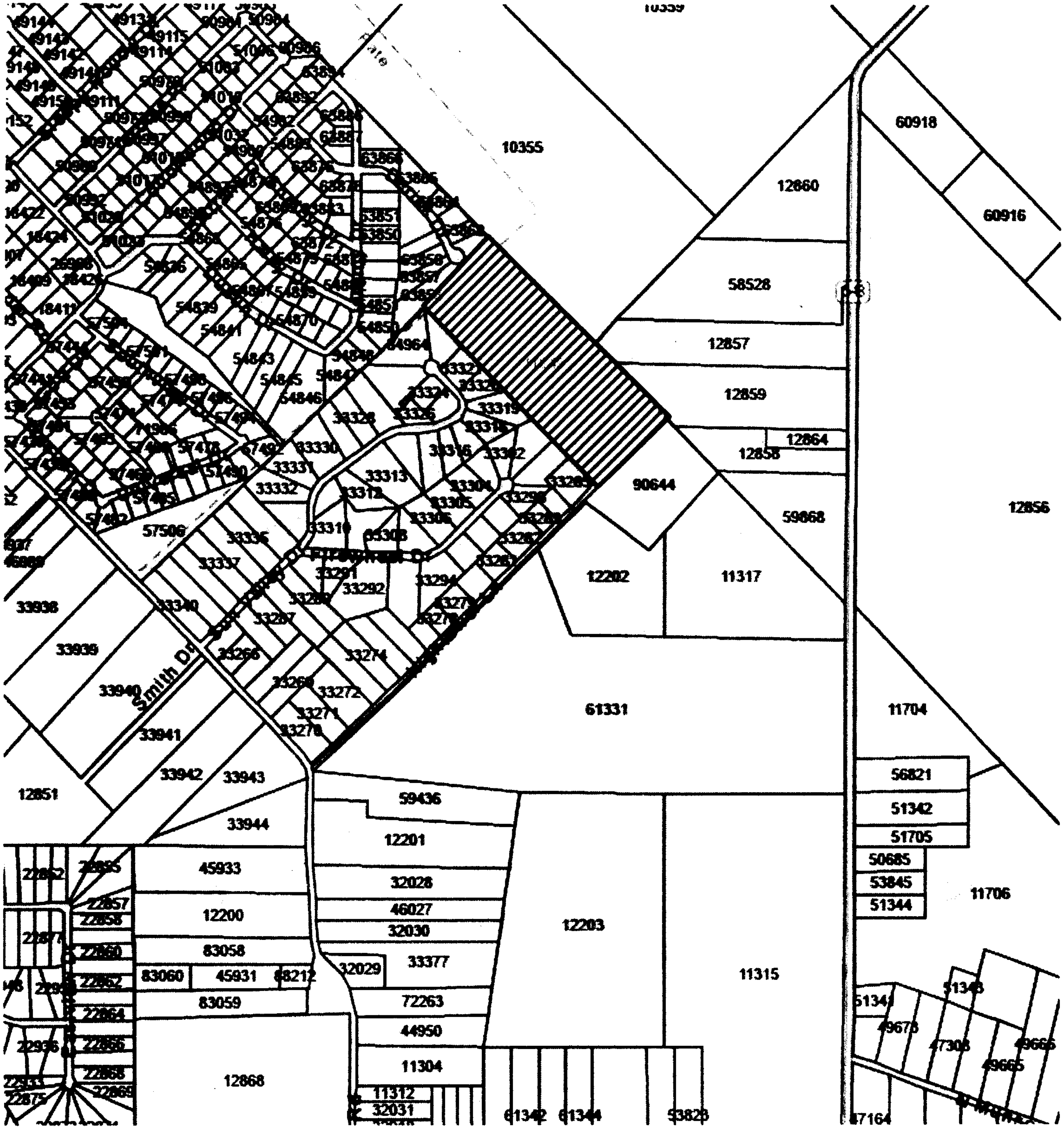

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EXHIBIT C

CITY OF FATE, TEXAS
MUNICIPAL SERVICE PLAN

SECTION 1

POLICE

Existing Services: The area is in the current service area and under the jurisdiction of the Rockwall County Sheriff's Office.

Services to be provided: Police services to the area to be annexed will be provided effective on the date of annexation by the Fate Department of Public Safety.

FIRE

Existing Services: The area is in the current service area of the City of Fate, Department of Public Safety.

Services to be provided: Fire suppression will continue to be available to the area upon annexation. Fire response will be provided at a level consistent with current methods and procedures presently provided to similarly situated areas within the City.

EMERGENCY MEDICAL SERVICES

Existing Services: The area is in the current service area of Rockwall County Emergency Medical Services.

Services to be provided: Emergency medical services shall continue to be provided to the area of annexation in accordance with the applicable agreement between the City and Rockwall County Emergency Medical Services at a level consistent with current methods and procedures presently provided to similar areas within the City.

SOLID WASTE SERVICES

Existing Services: Currently provided to area under private solid waste collection contract.

Services to be provided: Solid waste collection services shall be available upon annexation. Private solid waste collection service may continue to provide their existing service for up to two years in accordance with the TEXAS LOCAL GOVERNMENT CODE.

WATER SERVICE

Existing Services: Currently being provided.

Services to be provided: Water service to the area will be provided by the CCN holder in the same manner that such service is provided to the other similarly situated areas within the corporate limits of the City. In some instances, the City may acquire CCN rights and become the new water and/or sewer provider, in time.

SANITARY SEWER SERVICE

Existing Services: None.

Services to be provided: Sanitary sewer service to the area will be provided in the same manner that such service is provided to the other similarly situated areas within the corporate limits of the City and in accordance with applicable codes and departmental policy. When property develops in the adjacent area, sanitary sewer service will be provided in accordance with the standard extension ordinances, regulations and rules.

STREET

Existing Services: None.

Services to be provided: Public street maintenance will be provided by the City of Fate upon the effective date of the annexation. This service can be provided within the current budget appropriation.

STREET LIGHTING

Existing Services: None.

Services to be provided: The City of Fate will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

BUILDING INSPECTION

Existing Services: None.

Services to be provided: The City of Fate will provide Code Enforcement and Building Inspection services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Fate.

PLANNING AND ZONING

Existing Services: None.

Services to be provided: The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Fate's Zoning Ordinance will

extend to this area on the effective date of the annexation. The annexed area will be included in the next Comprehensive Plan update. The area will also continue to be regulated under the requirements of the City of Fate's Subdivision Ordinance.

PARKS AND RECREATION FACILITIES

Existing Services: None.

Services to be provided: Upon the effective date of annexation, residents within the annexed area may utilize all park and recreation facilities of the City.

PUBLICLY OWNED FACILITIES

Existing Services: None.

Services to be provided: Upon the effective date of annexation, any publicly owned facility, building or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Fate.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Fate's established policies governing extension of municipal services to newly annexed areas.

SECTION 2

Nothing in this plan shall require the City of Fate to provide a uniform level of full municipal services to each area of the City, including annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

SECTION 3

This service plan shall be valid for a term of seven (7) years. Renewal of the service plan shall be at the discretion of the City Council.

SECTION 4

This service plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this service plan unworkable or obsolete. The City Council may amend the service plan to conform to the changed conditions or subsequent occurrences pursuant to TEXAS LOCAL GOVERNMENT CODE, Section 43.056.

SECTION 5

If any annexed tracts of land are subdivided and/or further developed, then the developer(s) of such tracts shall be required to comply with the City's Subdivision Regulations. The City requires that the developer(s) construct, at its (their) sole expense, all required valves, fire hydrants, lines, and capital improvements, etc., necessary to provide adequate water service, including adequate water pressure for fire service, within the new subdivision(s).

SECTION 6

Any improvements which may be placed, constructed or installed on any portion of a development shall conform to the minimum specifications as called for in the Building Code, the Fire Code, applicable engineering standards, and other City regulations, as to size, quality of materials, height, and strength of improvements. For the purpose of the foregoing, the following shall be considered improvements: water lines, fire hydrants, and sanitary sewer systems, or any similar improvement designed to ensure the health and safety of the public, residents, employees, or customers. In the event private drives or streets are constructed for the development of the property, they shall conform to the Fire Code, and applicable engineering standards for their construction, to assure that Fire Department vehicles may safely use them. Developers or landowners shall not permit occupancy and the City shall not issue occupancy permits for any buildings or portions thereof until such private improvements are fully completed to serve the developed area, including compliance with City regulations.

SECTION 7

Extension and provision of City services to the annexed area, and the construction, inspection and maintenance of all improvements necessary to provide such services shall be in accordance with standards contained in the City's subdivision regulations or engineering manuals, or other standard specifications, as may be amended, except as expressly provided herein to the contrary.

SECTION 8

In accordance with state law and the City's land development and subdivision ordinances and regulations, any division of the annexed area into two or more tracts or parcels for the purposes of sale will require the filing of a subdivision plat. Developers and landowners shall complete those portions of the public improvements which the City may require in order to ensure contiguity and proper service for the public improvements to the portion of the annexed property for which plat approval may be sought.

Filed and Recorded
Official Public Records
Shelli Miller, County Clerk
Rockwall County, Texas
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