

## ROCKWALL CITY COUNCIL REGULAR MEETING Monday, June 06, 2022 - 5:00 PM City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

#### I. Call Public Meeting to Order

#### II. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

- **1.** Discussion regarding possible sale/purchase/lease of real property off of State Highway 276 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
- **3.** Discussion regarding RCH Water & Blackland Water Supply contracts, pursuant to Section §551.071 (Consultation with Attorney).
- **4.** Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

#### III. Adjourn Executive Session

#### IV. Reconvene Public Meeting (6:00 P.M.)

V. Invocation and Pledge of Allegiance - Councilmember Daniels

#### VI. Proclamations / Awards / Recognitions

- Presentation of Life-Saving Awards Rockwall Police Department Officer Kristopher Adair - Life Saving Award Officer Zachary Stimson - Life Saving Award
- Presentation of Life-Saving Awards Rockwall Fire Department Crew members of Engine 02 "A" Crew members of Engine 03 "A" Crew members of Ladder 02 "A"

#### VII. Open Forum

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kteague@rockwall.com to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

#### VIII. Take any Action as a Result of Executive Session

#### IX. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."

- **1.** Consider approval of the minutes from the May 16, 2022, regular City Council meeting, and take any action necessary.
- Consider an ordinance granting a franchise agreement to Atmos Energy Corporation, Mid-Tex Division to provide natural gas service in the City of Rockwall, and take any action necessary. (2nd reading)
- **3. Z2022-016** Consider a request by John and Rita Canavan for the approval of an **ordinance** for a *Zoning Change* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary (**2nd Reading**).
- 4. Z2022-017 Consider a request by Kim Lemmond of Dallas Towboys for the approval of an ordinance for a <u>Specific Use Permit (SUP</u>) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary (2nd Reading).
- Z2022-018 Consider a request by Carlos and Crystal Solis for the approval of an ordinance for a <u>Specific Use Permit (SUP)</u> for an Accessory Building on a 3.02-acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single- Family Estate 2.0 (SFE-2.0) District, addressed as 2914 FM-549, and take any action necessary (2nd Reading).
- 6. Z2022-019 Consider a request by Fred Gans of CDC Equities, LLC for the approval of anordinance for a *Zoning Change* from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as Lots 8R, 9R & 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, addressed as 5879, 5917 & 5981 FM-3097 [*Horizon Road*], and take any action necessary (2nd Reading).
- 7. Z2022-020 Consider a request by Hellen Byrd on behalf of Donald Valk for the approval of an ordinance for a *Zoning\_Change* from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 & 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and take any action necessary (2nd Reading).
- 8. Z2022-021 Consider a request by Ruben Chapa for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1214-acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary (2nd Reading).
- 9. P2022-023 Consider a request by Alison Winget of Links Construction on behalf of Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a *Replat* for Lots 5, 6 & 7, Block B, Rockwall Technology Park Addition being a 7.377-acre parcel of land identified as Lot 4, Block B, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of SH-276 and Innovation Drive, and take any action necessary.
- 10. P2022-024 Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Robbie Hale of Shepherd Place Homes, Inc. the approval of a*Replat* for Lot 2, Block L, Lake Rockwall Estates East Addition being a 0.4215-acre tract of land identified as Lots 1300 & 1301, Block A, Rockwall Lake Properties Development No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 116 Nicole Drive, and take any action necessary.

- 11. P2022-026 Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates of PS LPT Properties Investors for the approval of a <u>Replat</u> for Lot 2, Block 1, Valk Rockwall Addition being a 4.264-acre parcel of land identified as Lot 2, Block 1, Valk Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 4028 N. Goliad Street [SH-205], and take any action necessary.
- **12.** Consider a resolution suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change, approving cooperation with the Steering Committee of Cities served by Oncor to evaluate the filing, to negotiate with Oncor on the City's behalf, and take any action necessary.
- 13. Consider approval of a water relocation located at 105 South Hampton Drive in the amount of \$62,121.00 performed by Double R Utilities, Inc., to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.
- **14.** Consider approval of the construction contract for IH-30 Water Line Crossings Project and authorize the City Manager to execute a construction contract with Wilson Contractor Services, LLC, in the amount of \$1,140,072.61, and take any action necessary.
- **15.** Consider awarding a bid to C & M Steel for the construction of new Equipment Covers at the Service Center for \$224,422.92, approve additional funds of \$30,000 from General Fund Reserves and authorize the City Manager to execute a contract for this job and take any action necessary.
- **16.** Consider approval of an emergency repair of the sanitary sewer lift station located at 905 Williams Street (State Highway 66) in the amount of \$83,750.00 performed by ConNanCo, LLC to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.
- **17.** Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee regarding funding for the Ski Nautique's Annual event (\$12,715) and the Oasis Pickleball Tournament (\$20,500), and take any action necessary.

#### X. Appointment Items

1. Appointment with Municipal Court Judge, Matthew Scott to hear briefing on Rockwall Municipal Court's Annual Report, and take any action necessary.

#### XI. Action Items

XII.

If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes or less). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.

- H2022-004 Discuss and consider a request by Tim Herriage appealing a decision by the Historic Preservation Advisory Board (HPAB) concerning the denial of a Certificate of Appropriateness (COA) for a *High Contributing Property* being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.
- Discuss and consider authorizing the City Manager to execute agreements with Blackland Water Supply Corporation, including (1) Second Amendment to existing Water Supply Agreement; (2) Transfer Agreement regarding services N. of IH-30; and (3) Transfer & Collection Agreement regarding services S. of IH-30, and take any action necessary.
- **3.** Discuss and consider filling a vacancy on the city's Park Board for a partial term through August of 2023, and take any action necessary.

## City Manager's Report, Departmental Reports and related discussions pertaining to current city activities, upcoming meetings, future legislative activities, and other related matters.

- 1. Building Inspections Department Monthly Report April 2022
- 2. Fire Department Monthly Report April 2022
- 3. Parks & Rec. Department Monthly Report April 2022
- 4. Police Department Monthly Report April 2022

- 5. Sales Tax Historical Comparison
- 6. Water Consumption Historical Statistics

#### XIII. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

- **1.** Discussion regarding possible sale/purchase/lease of real property off of State Highway 276 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- **2.** Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
- **3.** Discussion regarding RCH Water & Blackland Water Supply contracts, pursuant to Section §551.071 (Consultation with Attorney).
- **4.** Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

#### XIV. Reconvene Public Meeting & Take Any Action as Result of Executive Session

#### XV. Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code ¶ 551.071 (Consultation with Attorney) ¶ 551.072 (Deliberations about Real Property) ¶ 551.074 (Personnel Matters) and ¶ 551.087 (Economic Development)

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 3rd day of June, 2022 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Teague, City Secretary or Margaret Delaney, Asst. to the City Sect. Date Removed

## SYNOPSIS FOR LIFE-SAVING AWARDS ROCKWALL POLICE DEPARTMENT

On March 23, 2022, at approximately 7:29 p.m., Officer Kristopher Adair and Officer Zachary Stimson were conducting an extra patrol behind Best Buy when they were flagged down about an injured person behind Staples. Officer Adair responded to the area and located a 47year old male laying on the concrete in a pile of glass shards. He was bleeding heavily from a large laceration to his lower right leg. Without hesitation, Officer Adair instructed Officer Stimson to administer first aid by applying a tourniquet on his leg. Officer Adair assisted by lifting the leg of the injured person and held support for Officer Stimson to be able to quickly and efficiently apply the tourniquet. Together, Officer Adair and Officer Stimson were successfully able to stop the bleeding. The Rockwall County EMS Supervisor on scene advised that had the decision not been made to apply the tourniquet so quickly and efficiently, it was likely the male would have bled to death in the parking lot behind Staples.

Based on their swift actions, Officer Kristopher Adair and Officer Zachary Stimson are hereby awarded the Life-Saving Award and being directly responsible for saving a human life.

# **Lifesaving Award**



# Rockwall Fire Department

takes great pleasure in recognizing with pride and admiration the members of

Engine 02 "A" CA Mike Caffey FF Tyler Baumgartner FF Michael Sauder

On February 6, 2022 at 2:24 PM the Rockwall Fire Department responded to a reported breathing difficulty at 2083 Summer Lee Drive. While en route, Dispatch notified the crew that the patient had become unconscious and CPR was in progress. Upon arrival the crew took over resuscitation efforts from a bystander who had started CPR on a 60 year-old male patient prior to their arrival. Upon arrival of Rockwall County EMS the patient was moved to the ambulance where it was noted that he had developed an accelerated heart rhythm and weak blood pressure. The patient was transported to a cardiac center where he underwent further treatment and was released from the hospital approximately two weeks later.

The resuscitative efforts demonstrated by the crew of Engine 2 "B" shift were key to the patient's survival and played a direct role in saving his life. The level of professionalism demonstrated by all involved is to be commended.

Given in grateful appreciation this 6th day of June 2022.

Dalli

Fire Chief

# **Lifesaving Award**



# Rockwall Fire Department

takes great pleasure in recognizing with pride and admiration the members of

Engine 03 "A" CA Todd Rowan FF Abel Austin

On November 17, 2021 at 7:25 PM the Rockwall Fire Department responded to a reported choking incident at 614 Arcadia Way. Upon arrival members from EN03 "A" shift found a nineteen year old male patient that was choking on some food that he had attempted to swallow and was unable to breathe. Captain Rowan attempted to dislodge the food by performing the Heimlich maneuver while Firefighter Austin assisted in holding up the patient and attempted to sweep the item from the patient's mouth with his fingers. Despite their best efforts the food could not be removed; however, with each Heimlich maneuver the patient was able to inhale and exhale a small amount of air. Upon the arrival of a unit from Rockwall County EMS a member of the ambulance crew was able to utilize additional tools to visualize and remove what turned out to be a portion of a corn cob.

The repeated performance of the Heimlich maneuver allowed the patient to open his airway enough to take small breaths and played a direct role in the survival of the patient.

Given in grateful appreciation this 6th day of June 2022.

A Cullin

Fire Chief

6/6/22

Date

# **Lifesaving Award**



# Rockwall Fire Department

takes great pleasure in recognizing with pride and admiration the members of

Ladder 02 "A" CA Mike Caffey DE Adam Honea FF Tyler Baumgartner FF Michael Sauder

On March 29, 2022 at 5:33 PM the Rockwall Fire Department responded to a reported unconscious person at 219 Blanche Drive. While en route, Dispatch notified the crew that a person was working with electrical equipment under his house and appeared to have been electrocuted. Upon arrival crew members found a male patient pulseless and not breathing. He was quickly extricated from under the house, and CPR was initiated. The crew quickly assembled the needed medical equipment for treatment and continued performing CPR. After multiple rounds of CPR, including 2 shocks from the AED, the patient began spontaneous respirations and developed a palpable pulse. Patient care was then transferred to the responding ambulance crew, and prior to departing for the hospital the patient was awake and alert with good vital signs.

The rapid, coordinated actions of the crew from Ladder 02 "A" shift, including the use of the AED played a direct role in the survival of the patient.

Given in grateful appreciation this 6th day of June 2022.

A Cull

Fire Chief

6/6/22



## ROCKWALL CITY COUNCIL REGULAR MEETING Monday, May 16, 2022 - 5:00 PM City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:01 p.m. Present were Mayor Kevin Fowler and Councilmembers Clarence Jorif, Dana Macalik, Anna Campbell, Trace Johannesen, Bennie Daniels and Mark Moeller (newly elected and officially sworn in by City Secretary, Kristy Teague, prior to going into Ex. Session). Also present were Assistant City Manager, Joey Boyd and City Attorney, Frank Garza. City Manager, Mary Smith was absent from the meeting.

**II. EXECUTIVE SESSION.** 

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1. Discussion regarding appointments to city regulatory boards and commissions, including interviews associated with the Planning & Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, §551.074 (Personnel Matters)
- 2. Discussion regarding designation of Mayor Pro Tem, pursuant to Section §551.074 (Personnel Matters).
- III. ADJOURN EXECUTIVE SESSION

#### Council adjourned from Ex. Session at 6:00 p.m.

IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

#### Councilmember Campbell delivered the invocation and led the Pledge of Allegiance.

- VI. PROCLAMATIONS / AWARDS / RECOGNITIONS / HONORS
  - 1. Swearing in of Newly Elected City Councilmembers Judge David Rakow
    - Mark Moeller, Place 2
    - Trace Johannesen, Place 4
    - Anna Campbell, Place 6

## Judge David Rakow administered the Oath of Office to each of the above-named, newly elected city council members.

**2.** State Farm, Happy 100th Day

Mayor Fowler read and presented this proclamation to three State Farm agents who were present at the council meeting this evening.

3. Public Works Week

Amy Williams, Director of Public Works, came forth along with several members of her city staff (from both water and wastewater departments). Mayor Fowler then read and presented this proclamation. Ms. Williams provided several statements, generally and sincerely thanking these staff members for all they do to keep the city's water and wastewater systems up and running.

4. Recognition of Rockwall Youth Advisory Council's Graduating Seniors

Kristy Teague, City Secretary, along with Councilmembers Jorif and Campbell came forth to briefly recognize three graduating seniors – Mazie Johnson, Peyton Nielsen and Rylee Braaten. Each student briefly introduced themselves and stated their plans after high school graduation.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted. He then, initially, called forth Jerry Welch of the city's Planning & Zoning Commission, who came forth and gave a brief summary of P&Z related recommendations relative to planning-related items on tonight's meeting agenda.

Mayor Fowler then asked if anyone else would like to come forth and speak during Open Forum.

Mike Oswalt 2054 Pontchartrain Rockwall, TX 75087

Mr. Oswalt came forth and shared that he lives in Lakeside Village, and many times, he and his neighbors experience lake-goers who make quite a bit of noise late at night and even into the night. He generally expressed that he will appreciate the city helping enforce noise-related ordinances that might help alleviate these types of concerns. He will also appreciate the police department increasing patrols late at night in his neighborhood, especially during boating season. He went on to briefly express that he runs a volunteer, non-profit organization that provides therapeutic trikes to special needs kids. He urged anyone who may be in need in this regard to please contact him.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Fowler moved to appoint Trace Johannesen to serve as Mayor Pro Tem for the City of Rockwall. Councilmember Daniels seconded the motion. The motion passed by a vote of 6 in favor with 1 abstention (Jorif).

- IX. CONSENT AGENDA
  - 1. Consider approval of the minutes from the May 2, 2022, regular City Council meeting, and take any action necessary.
  - 2. Consider an ordinance amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members, and take any action necessary. (2nd reading)
  - 3. P2022-015 Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a <u>Preliminary Plat</u> for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.

- 4. P2022-016 Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a <u>Master Plat</u> for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.
- 5. P2022-017 Consider a request by Humberto Johnson, Jr. of the Skorburg Co. on behalf of John Arnold of Falcon Place SF, LTD for the approval of a *Final Plat* for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.
- 6. P2022-020 Consider a request by Heather Cullins on behalf of Shirley Smith of Smith Family Acres, LLC for the approval of a <u>Preliminary Plat</u> for the Smith Family Acres Subdivision consisting of four (4) single-family residential lots on a 44.525-acre tract of land identified as Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located on the west side of John King Boulevard north of the intersection of John King Boulevard and FM-552, and take any action necessary.
- 7. P2022-018 Consider a request by Brian Jones for the approval of a <u>Replat</u> for Lots 1 & 2, Block A, North Alamo Addition being a 2.1325-acre tract of land identified as Block 15, 15B, 15C & 16 of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 401, 405, 501 & 503 N. Alamo Road, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda, as presented (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. <u>22-27</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CH. 36. STREETS, SIDEWALKS AND PUBLIC PLACES; ARTICLE IV. ART IN PUBLIC PLACES MASTER PLAN; DIVISION 2. ART REVIEW TEAM (ART) COMMISSION; SEC. 36-77. "ESTABLISHED," SUBSECTION (a)(1)a. "COMPOSITION" TO CHANGE THE REQUIRED COMPOSITION FROM A FIVE (5) MEMBER COMMISSION TO A SEVEN (7) MEMBER COMMISSION; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

#### X. APPOINTMENT ITEMS

1. Appointment with the Rockwall Youth Advisory Council (YAC) to hear year-end presentation, and take any action necessary.

Three YAC members, including (YAC Chairman) Peyton Nielsen, Jaxson Stuart, and Morgan Crosby, came forth and briefed the Council on the monthly activities of the group over the course of this past school year. They also provided a brief budgetary/financial overview as well. Council took no action as a result of this appointment item.

2. Appointment with Jim Rosenberg to discuss and consider authorizing the City Manager to execute a concession agreement between the City of Rockwall and Harbor Bay Marina Corporation, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed Council on the high points of the updated concession agreement between the City and Harbor Bay Marina, which he indicated has been worked on by staff, the city attorney and Mr. Rosenberg for the last twelve to eighteen months. In addition, the City of Dallas and the Lakeside Village HOA have also been part of the document creation/review. Under this new agreement, as part of its five year plan, the Styrofoam that is currently breaking loose will be replaced and then be fully encapsulated so it cannot break loose anymore. Also, the tires will be replaced with a concrete, breakwater system. Within 6-10 years, a fire standpipe system will be installed for fire protection purposes. Mr. Sales pointed out that there are provisions within the agreement that do address noise-related concerns.

Following Mr. Sales' brief comments, Mr. Rosenberg came forth and briefly addressed Council, indicating he has owned Harbor Bay Marina for the last thirty-three years. He stated that the facility is over fifty years old, and there will be major renovations that will occur under this new concessions agreement. Mayor Fowler indicated he initially had concerns about the long term associated with the agreement (25 years); however, considering the amount of investment that will be put into improving the facilities, he is ok with the twenty-five years. Councilmember Daniels then spoke, generally echoing the gentleman's comments who spoke this evening during Open Forum about "noise." Daniels shared that he himself lives in the Lakeside Village neighborhood. Although he personally lives on the other side of the neighborhood and does not hear 'lake related noise' late at night like some other neighborhood residents do, he knows that noise truly is a legitimate problem and concern. He would like the City to establish a concrete means by which residents are able to submit noise-related complaints and for the city to then be responsive to said complaints. He wants there to be a paper trail related to complaints so the city can determine over time if there is or is not a legitimate concern related to noise. He prefers that the public boat ramp be closed by a certain hour of the night; however, he acknowledged that Mr. Rosenberg opposes this idea. He did acknowledge that there are provisions within the contract that will allow for (noise) complaints to be addressed if / when those complaints become persistent and numerous enough. He trusts Mr. Rosenberg will get those sorts of complaints addressed if/when they arise. Councilman Daniels also pointed out that there is an area on the north side of the marina that is about 1/3 of an acre in size, and Mr. Rosenberg has agreed to allow the residents of Lakeside Village an opportunity to utilize that area for picnic and social type purposes. He also pointed out that there are objectives for every year within the "1-5 year plan" and for each year within the "6-10 year plan" under this agreement. There are provisions built into the language of the agreement that will essentially hold Mr. Rosenberg to those objectives throughout the first 10 years.

Following his comments, Councilmember Daniels moved to approve the Concessions Agreement between the City of Rockwall and Harbor Bay Marina Corporation. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

- **XI. PUBLIC HEARING ITEMS** 
  - Z2022-016 Hold a public hearing to discuss and consider a request by John and Rita Canavan for the approval of an ordinance for a *Zoning Change* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary (1st Reading).

Ryan Miller, Planning Director, provided background information pertaining to this agenda item, indicating this is not far from the intersection of Clem Road and Stodghill Road. The applicant would like to request a zoning change to allow for the future subdivision of this property overall. The property is designated for low-density residential zoning currently, which encompasses everything that is 2 units per gross acre or less. Notices were sent out to nineteen adjacent property/land owners; however, no notices were received back. The P&Z Commission has recommended approval of this request by a vote of 6 to 0.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Councilmember Moeller then moved to approve Z2022-016, with staff recommendations. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. <u>22-29</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A FIVE (5) ACRE TRACT OF LAND IDENTIFIED AS LOT 5 OF THE MUSTANG ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

#### The motion passed by a vote of 7 ayes to 0 nays.

 Z2022-017 - Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of an ordinance for a <u>Specific Use Permit (SUP)</u> for a Towing and Impound Yard on a 1.8040acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information related to this agenda item. The applicant approached staff back in March, and it was discovered that the property has been being used for a towing and impound yard; however, the certificate of occupancy that was issued by the city back in 2016 showed that the property was being used for 'office uses' only. The same company/owner utilizes the property directly south of this location for a towing/impound yard, and it does have an approved SUP that allows for that type of use on that southern property. When the applicant found out they were out of compliance with city regulations, they did remove all of the vehicles off of this particular property. Also, the applicant has submitted a concept plan that does reflect bringing things like the parking and landscaping up to compliance with the city's Unified Development Code. They also plan to provide screening for the proposed vehicle storage area with an existing fence that is currently in place today. He shared that the UDC does require an SUP for this type of land use, the issuance of which is a discretionary decision on the part of the city council. Mr. Miller went on to share that the P&Z Commission did vote 6-0 to recommend approval of this request to the

Council this evening. Twenty-eight notices were sent out to adjacent property and land owners, and two HOAs were also notified. Two notices were received back by the city "in favor" of this request.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the public hearing.

Councilmember Campbell sought and received clarification from Mr. Miller concerning each of the properties mentioned associated with this request. She wonders how the city might be able to monitor and enforce the requirement that vehicles brought to the tow yard would not stay on-site for a period longer than seventy-five days. Mr. Miller acknowledged that enforcing this requirement would be challenging for the City.

The applicant came forth and shared that the business itself will have a company procedure in place that will consist of holding an online auto action once every 45 days. So that will ensure that vehicles associated with people who failed to come pick them up with be auctioned off at that 45 day auction.

Following additional comments, Councilmember Macalik moved to approve Z2022-017. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. <u>22-30</u> SPECIFIC USE PERMIT NO. <u>S-278</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A TOWING AND IMPOUND YARD ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

Z2022-018 - Hold a public hearing to discuss and consider a request by Carlos and Crystal Solis for the approval of an ordinance for a <u>Specific Use Permit (SUP)</u> for an Accessory Building on a 3.02-acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 2914 FM-549, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This property is located just north of the area of FM-549 and FM-1139. He went on to explain that the accessory building being proposed by this applicant will not be viewable by the public street(s). He explained that approval of an SUP to allow for an accessory building is a discretionary decision on the part of the Council. Notices were sent out to adjacent property

owners and residents located within 500' of the subject property. One notice was received back in favor, and one notice was received back in opposition.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. The applicant was not present this evening, and no one indicated a desire to speak. So Mayor Fowler closed the public hearing.

Councilmember Moeller moved to approve Z2022-018, indicating that this is a large piece of property, and he has no issue with the applicant building a structure that is slightly larger than what the city would otherwise allow. Councilmember Daniels seconded the motion. The ordinance was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. <u>22-31</u> SPECIFIC USE PERMIT NO. <u>S-279</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING ON A 3.02-ACRE TRACT OF LAND ZONED SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

4. Z2022-019 - Hold a public hearing to discuss and consider a request by Fred Gans of CDC Equities, LLC for the approval of an ordinance for a *Zoning Change* from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as Lots 8R, 9R & 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, addressed as 5879, 5917 & 5981 FM-3097 [*Horizon Road*], and take any action necessary (1st Reading).

Mr. Miller, Planning Director, provided background information concerning this agenda item. This property is located just south of the intersection of Ranch Trail and Horizon Road, which is directly across from the Buffalo Creek subdivision, which is located in Heath's city limits. It is currently zoned both "Agricultural" and "Commercial" district. It currently has two homes on it, one of which appears to be utilized currently for commercial purposes, and it also has various accessory buildings on it. He explained that the applicant would like to rezone the property in order to allow for a mini warehouse facility along with numerous flex "office/warehouse" type buildings. He went on to explain that the proposed units – 12 buildings in total - will actually be individually deeded automobile storage/garage units that are considered to be 'luxury' in nature. Inside of the units, things like living rooms, media rooms and kitchens may be present – along with the ability to store automobiles – and they may also be utilized for office space uses. The units are a "for sale product" that are very unique in nature.

After additional comments related to the proposed "planned development district," associated, potential land uses, infrastructure requirements, etc., Mr. Miller indicated that staff sent out notices to 16 adjacent property owners and land owners located within 500' of the subject property (within the City of Rockwall's city limits). Staff has not received any notices in return. In addition, the P&Z Commission did recently recommend approval of this request to City Council by a unanimous vote (6-0). The draft ordinance ties down the applicant's concept plan and conceptual building elevations to ensure that what is built will generally conform to these things.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

The applicant's representative then came forth and briefly addressed the Council.

Mr. Albert 6017 Main Street Frisco, TX

Mr. Albert came forth and shared that this is a unique product that is much different than traditional auto storage products. After a few, additional comments, Mr. Albert shared that he is happy to answer any questions the council may have concerning this proposed "PD."

Following brief questions and answers, Councilmember Johannesen moved to approve Z2022-019. Councilmember Campbell seconded the motion. Councilmember Macalik clarified that the neighborhood just adjacent to this property is located just across from the Buffalo Creek subdivision, which is not located within our own city limits. That is why those residents who live there were not notified. Councilmember Jorif received clarification that this request is in compliance with the city's Master Plan. Following brief, additional comments, the ordinance caption was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. <u>22-32</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO.* 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT AND COMMERCIAL (C) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR LIMITED COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 13.55-ACRE TRACT OF LAND IDENTIFIED AS LOTS 8R, 9R, & 10 OF THE RAINBOW ACRES SUBDIVSION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

5. Z2022-020 - Hold a public hearing to discuss and consider a request by Hellen Byrd on behalf of Donald Valk for the approval of an ordinance for a <u>Zoning Change</u> from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 & 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This is located within the SH-276 Overlay District. The applicant would like to develop mini warehouses as well as 'flex office warehouse." The development will have to meet all land use requirements associated with the city's "light industrial" district. This proposal does conform to the city's Comprehensive Plan. Twelve notices were sent out to adjacent property and land owners; however, staff did not receive any notices in return (neither "for" nor "against"). The P&Z Commission has recommended approval of this request to Council by a vote of 6 to 0.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

The applicant was asked if she'd like to come forth; however, she declined.

Councilmember Jorif moved to approve Z2022-020. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. <u>22-33</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 14.78-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 8 & 8-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 34, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

#### The motion passed by a vote of 7 ayes to 0 nays.

Z2022-021 - Hold a public hearing to discuss and consider a request by Ruben Chapa for the approval of an ordinance for a <u>Specific Use Permit (SUP)</u> for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1214-acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This property is currently vacant and is located within Phase 4 of the Chandler's Landing subdivision. He went on to explain that Council is being asked to consider the size, location and architectural design of the proposed home when compared to nearby, existing residential homes. This proposed home meets all the requirements of PD-8 and the Unified Development Code with the exception of the (front facing) garage and associated orientation. This is not an a-typical request for the Chandler's Landing subdivision. 134 notices were sent out to adjacent property owners and residents located within 500' of the subject property; and staff received one notice back in opposition. In addition, he P&Z Commission did recommend approval of the request this evening by a unanimous vote (6-0, with Commissioner Womble absent). Many adjacent HOAs were also notified of this proposal.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Councilmember Macalik moved to approve Z2022-021. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. <u>22-34</u> SPECIFIC USE PERMIT NO. <u>S-280</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1214-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22, BLOCK B, CHANDLER'S LANDING, PHASE 4 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

#### **XII. ACTION ITEMS**

1. Discuss and consider an **ordinance** granting a franchise agreement to Atmos Energy Corporation, Mid-Tex Division to provide natural gas service in the City of Rockwall, and take any action necessary. (1st reading)

Joey Boyd, Assistant City Manager provided brief comments concerning this agenda item. He generally shared that the previous gas franchise agreement with Atmos has expired. So it is now time to consider a new agreement. The term of the proposed agreement is 20 years, and it will provide the city with 5% of gross revenues. The city attorney has reviewed the agreement, and staff is happy to answer any questions Council may have.

Councilmember Jorif moved to approve the ordinance granting the franchise agreement. Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was read as follows:

> CITY OF ROCKWALL ORDINANCE NO. 22-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TWENTY (20) YEARS TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

The motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider appointments to the city's ART Commission, and take any action necessary.

Regarding the two new seats that have now been added to the ART Commission, Councilmember Macalik moved to appoint Kindsay Carter to the ART Commission for an initial term to run from June 1<sup>st</sup> thru August of 2023. In addition, in her same motion, Councilmember Macalik also moved to appoint Christopher Kingsley to the ART Commission for a partial term from June 1 thru August of 2022 and thereafter continue serving a full, two-year term thru August of 2024. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Following the public agenda and associated discussions noted above, Mayor Fowler indicated that Council did not finish its Executive Session discussions prior to the start of the 6:00 p.m. public meeting. Therefore, he recessed the public meeting at 7:24 p.m. to go back into Ex. Session (to discuss the below-listed items, which he previously read into the record earlier at 5:00 p.m.).

#### XIII. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1. Discussion regarding appointments to city regulatory boards and commissions, including interviews associated with the Planning & Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, §551.074 (Personnel Matters)
- 2. Discussion regarding designation of Mayor Pro Tem, pursuant to Section §551.074 (Personnel Matters).

#### XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council came out of Executive Session at 8:00 p.m. After a brief break, Mayor Fowler then reconvened the public meeting at 8:02 p.m. (with all seven council members being present). Mayor Pro Tem Johannesen moved to appoint Brian Llewelyn to serve in the vacant seat on the city's Planning & Zoning Commission (replacing former member, Mark Moeller). Mayor Fowler seconded the motion, which passed by a vote of 5 ayes with 2 against (Macalik and Campbell).

**XV.** ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:03 p.m.

# PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS $6^{\text{th}}$ DAY OF JUNE, 2022.

ATTEST:

**KEVIN FOWLER, MAYOR** 

KRISTY TEAGUE, CITY SECRETARY

#### **CITY OF ROCKWALL**

#### **ORDINANCE NO.** <u>22-28</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TWENTY (20) YEARS TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

WHEREAS, currently there are property owners and residents within the geographical boundaries of the City of Rockwall and a potential for future economic and population growth, which requires or will require a supply of natural gas for their respective needs; and

WHEREAS, the introduction of the availability of a natural gas supply will be an incentive for the City to maintain current businesses and attract new development, as well as to provide gas service to existing property owners and residents; and

WHEREAS, the City, for the considerations provided by this Ordinance, and subject to the terms and conditions therein, has determined and finds that it is in the public interest of the City and its current property owners and residents to award a non-exclusive franchise to Atmos Energy Corporation, ("Atmos Energy"), for the transmission, distribution and sale of natural gas as provided in this Agreement;

## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THAT:

**SECTION 1.** <u>**GRANT OF AUTHORITY</u>:** The City of Rockwall, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, a non-exclusive consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending June 6, 2042.</u>

#### SECTION 2. <u>CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS</u> <u>ENERGY FACILITIES</u>:

A. Atmos Energy's facilities shall be constructed and maintained so as not to unreasonably interfere with any existing water and wastewater lines, electric facilities, storm sewer lines, open drainage areas, cable, fiber optic cable, roadways, sidewalks, alleys, traffic control devices,

public signs, or any other publicly owned or publicly franchised facility. Atmos Energy shall promptly clean-up, repair, and restore all thoroughfares and other surfaces which it may disturb.

- B. Atmos Energy shall submit a permit application to City Engineer for the placement of new facilities, for upgrade or augmentation of existing facilities, or for replacement of existing facilities in the Public Right-of-Way. In no case shall Atmos Energy or its agents be required to pay for such permit. Such permit application shall include: complete plans and detailed drawings reflecting compliance with all applicable zoning, development, and building requirements of the City and all additional information requested by City Engineer reasonably related to the permit request.
- C. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City Engineer or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.

D. Any and all excavations and obstructions in and upon the Public Right-of-Way caused by the Atmos Energy's operations under this Ordinance shall be repaired and removed as quickly as is reasonably possible under the circumstances. All excavations shall be repaired in a good and workmanlike manner and restored to the approximate condition that existed prior to the excavation. The public shall be protected by barriers and lights placed, erected, marked, and maintained by the Company in accordance with the standards set forth in the current Texas Manual on Uniform Traffic Control Devices, as well as any other applicable local, state, and federal requirements. Atmos Energy warrants that any such restoration work performed in the Public Right-of-Way shall be in satisfactory condition for a period not to exceed one (1) year, to the extent that such restoration work has not been disturbed by other users of the Public Rightof-Way or by acts of God. In the event that the Atmos Energy fails to repair or restore an excavation site within fourteen (14) days after receipt of written notice from the City of a deficiency, the City may, at its option, perform the needed repair or restoration and the Atmos Energy shall promptly reimburse the City for the reasonable cost of such repair or restoration. Except for repairs, day-to-day maintenance, or in cases of emergency conditions, work conducted within the Public Right-of-Way shall require an approved permit issued by the City Engineer prior to commencement of work as outlined by Section 2 C. In no instance shall Atmos Energy be required to pay fees or bonds related to its use of the Public Right-of-Way.

E. If City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. Upon receipt of reimbursement from such program, the City shall remit to Atmos Energy, within thirty (30) days of receipt, its portion related to the relocation or removal of its facilities.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets, or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.

- F. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.
- G. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.
- H. Upon request by City made no more often than once in any 12-month period, Atmos Energy shall provide maps showing the location of its primary system. Any maps provided by Atmos Energy to the City shall be deemed confidential and will be provided solely for the City's use. The City agrees to maintain the confidentiality of any non-public information obtained from Atmos Energy to the extent allowed by law. In addition, Atmos Energy shall cooperate in locating its system when necessary to avoid conflict and protect the health and safety of the public.

SECTION 3. INDEMNITY & INSURANCE:

- A. ATMOS ENERGY SHALL DEFEND, INDEMNIFY AND SAVE WHOLE AND HARMLESS THE CITY AND ALL OF ITS OFFICERS, AND EMPLOYEES AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT SUFFERED BY ANY PERSON OR PERSONS THAT MAY BE OCCASIONED BY, OR ARISE OUT OF ATMOS ENERGY'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT, OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT, OR OMISSION BY ATMOS ENERGY, ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, AFFILIATES AND SUBSIDIARIES, IN THE CONSTRUCTION, MAINTENANCE. OPERATION. OR REPAIR OF THE GAS DISTRIBUTION SYSTEM. OR BY THE CONDUCT OF ATMOS ENERGY'S BUSINESS IN THE CITY PURSUANT TO THIS ORDINANCE/FRANCHISE AGREEMENT; THE INDEMNITY PROVIDED FOR IN THIS SECTION SHALL NOT APPLY TO THE EXTENT ANY LIABILITY RESULTING FROMIS ATTRIBUTABLE TO THE NEGLIGENCE OR FAULT OF THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS. AND IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE OR FAULT OF BOTH ATMOS ENERGY AND THE CITY, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY OF THE DEFENSES OF THE PARTIES UNDER TEXAS LAW. IT IS UNDERSTOOD THAT IT IS NOT THE INTENTION OF THE PARTIES HERETO TO CREATE LIABILITY FOR THE BENEFIT OF THIRD PARTIES, BUT THAT THIS SECTION SHALL BE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND SHALL NOT CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY PERSON OR ENTITY.
- B. Company shall, at its sole cost and expense, obtain, maintain, or cause to be maintained, and provide, throughout the term of this Ordinance, insurance in the amounts, types and coverages in accordance with the following requirements. Such insurance may be in the form of self-insurance to the extent permitted by applicable law or by obtaining insurance, as follows:
  - (1) Commercial general or excess liability on an occurrence or claims made form with minimum limits of five million dollars (\$5,000,000) per occurrence and ten million dollars (\$10,000,000) aggregate.
  - (2) Automobile liability coverage with a minimum policy limit of one million dollars (\$1,000,000) combined single limit each accident. This coverage shall include all owned, hired, and non-owned automobiles.
  - (3) Workers' compensation and employer's liability coverage. Statutory workers' compensation benefits in accordance with the statutes and regulations of the State of Texas. Company must provide the City with a waiver of subrogation for workers' compensation claims.
  - (4) Upon request, the Company will provide proof of insurance in accordance with this Ordinance within thirty (30) days after such request. Company will not be required to furnish separate proof when applying for permits.

C. Atmos Energy's insurance obligations pursuant to this franchise may be in the form of selfinsurance to the extent permitted by applicable law, under an Atmos Energy plan of selfinsurance maintained in accordance with sound accounting and risk-management practices. Such self-insurance plan must be reviewed by the City.

**SECTION 4.** <u>NON-EXCLUSIVE FRANCHISE</u>: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

### SECTION 5. PAYMENTS TO CITY:

- A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 15th day of February, 2023 and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 15th day of February, 2042, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B. below, received by Atmos Energy during the preceding calendar year.
- B. "Gross Revenues" shall mean:
  - (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
  - (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
  - (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
  - (4) "Gross Revenues" shall also include the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.
  - (5) "Gross Revenues" shall not include:
    - (a) revenues billed but not ultimately collected or received by Atmos Energy;
    - (b) contributions in aid of construction;
    - (c) the revenue of any affiliate or subsidiary of Atmos Energy;
    - (d) sales tax and franchise fees paid to the City;
    - (e) interest or investment income earned by Atmos Energy; and
    - (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.
- C. The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2023, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees,

bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and company may grant, in its sole reasonable discretion, such waiver.

- E. Atmos Energy Franchise Fee Recovery Tariff
  - (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
  - (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
  - (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.
  - F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.
  - G. City shall within thirty (30) days of final approval, give Company notice of annexations and

disannexations of territory by the City, which notice shall include a map and addresses, if known. Upon receipt of said notice, Company shall promptly initiate a process to reclassify affected customers into the city limits no later than sixty (60) days after receipt of notice from the City. The annexed areas added to the city limits will be included in future franchise fee payments in accordance with the sales tax effective date of the annexation if notice was timely received from City. Upon request from City, Company will provide documentation to verify that affected customers were appropriately reclassified and included for purposes of calculating franchise fee payments. In no event shall the Company be required to add premises for the purposes of calculating franchise payment prior to the earliest date that the same premises are added for purposes of collecting sales tax.

### SECTION 6. TERMINATION

- A. The City, in accordance with subsection (B) below, may terminate this Ordinance and all rights and privileges pertaining thereto, in the event that Atmos Energy violates any material provision of this Ordinance (an "Event of Default").
- B. Uncured Events of Default.
  - (1) Upon the occurrence of an Event of Default which can be cured by the immediate payment of money to City or a third party, Atmos Energy shall have thirty (30) days (or such additional time as may be agreed to by the City) after receipt of written notice from City of an occurrence of such Event of Default to cure same before City may exercise any of its rights or remedies as outlined in Section 6 (C).
  - (2) Upon the occurrence of an Event of Default by Atmos Energy which cannot be cured by the immediate payment of money to City or a third party, Atmos Energy shall have sixty (60) days (or such additional time as may be agreed to by the City) after receipt of written notice from City of an occurrence of such Event of Default to cure same before City may exercise any of its rights or remedies as outlined in Section 6 (C).
  - (3) If the Event of Default is not cured within the time period allowed for curing the Event of Default as provided for herein, such Event of Default shall, without additional notice, become an Uncured Event of Default, which shall entitle City to exercise the remedies as outlined in Section 6 (C).
- C. <u>Remedies</u>. Upon receipt of a notice of an alleged Uncured Event of Default as described, which notice shall specify the alleged failure with reasonable particularity, Atmos Energy shall, within the time periods specified in Section 6 (B) or such longer period of time as may be agreed to by the City, either cure such alleged failure or, in a written response to the City, present facts and arguments in refuting or defending such alleged failure, or state that such alleged failure will be cured and set forth the method and time schedule for accomplishing such cure. In the event that such cure is not forthcoming or the City determines that an unexcused "Uncured Event of Default" has occurred, City shall be entitled to exercise any and all of the following cumulative remedies:
  - (1) The commencement of an action against Atmos Energy at law for monetary damages.
  - (2) The commencement of an action in equity seeking injunctive relief or the specific performance of any of the provisions, which as a matter of equity, are specifically enforceable.

- (3) The termination of the franchise granted herein.
- D. <u>Remedies Not Exclusive</u>. The rights and remedies of City and Atmos Energy set forth in this Ordinance shall be in addition to, and not in limitation of, any other rights and remedies provided by law or in equity. City and Atmos Energy understand and intend that such remedies shall be cumulative to the maximum extent permitted by law and the exercise by a party of any one or more of such remedies shall not preclude the exercise by such party, at the same or different times, of any other such remedies for the same failure to cure. However, notwithstanding this Section or any other provision of this Ordinance, City shall not recover both liquidated damages and actual damages for the same violation, breach, or noncompliance, either under this Section or under any other provision of this Ordinance.
- E. <u>Termination</u>. The franchise granted herein may be terminated only in accordance with the provisions of Section 6(C). City shall notify Atmos Energy in writing at least thirty (30) business days in advance of the City Council meeting at which the questions of termination shall be considered, and Atmos Energy shall have the right to appear before the City Council in person or by counsel and raise any objections or defenses Atmos Energy may have that are relevant to the proposed forfeiture or termination. The final decision of the City Council may be appealed to any court or regulatory authority having jurisdiction. Upon timely appeal by Atmos Energy of the City Council's decision terminating the franchise granted herein, the effective date of such termination shall be either when such appeal is withdrawn or a court order upholding the termination becomes final and unappealable. If no appeal is filed, the effective date of such termination shall be the thirtieth (30<sup>th</sup>) day following the date of the final termination decision of the City Council. Until the termination becomes effective, the provisions of this Ordinance shall remain in effect for all purposes

SECTION 7. ASSIGNMENT: Atmos Energy's rights under this Ordinance shall not be assigned or transferred without the written consent of the City, which consent shall not be unreasonably delayed or withheld; provided, however, that Atmos Energy may assign its rights under this Ordinance to a parent, subsidiary, affiliate or successor entity without such consent, so long as such parent, subsidiary, affiliate or successor (i) assumes all obligations of Atmos Energy hereunder, and (ii) is bound to the same extent as Atmos Energy hereunder. City shall grant approval of assignments unless the proposed assignee is materially weaker than Atmos. For the purpose of this section, "materially weaker" means that the long term unsecured debt rating of the assignee is less than investment grade as rated by both S&P and Moody's. If the proposed assignee is materially weaker, the City may request additional documents and information reasonably related to the transaction and the legal, financial, and technical qualifications of the proposed assignee. Atmos Energy shall give the City thirty (30) days prior written notice of any assignment to a parent, subsidiary, affiliate or successor entity. Any required consent shall be expressed by an ordinance that fully recites the terms and conditions, if any, upon which such consent is given. Any such assignment or transfer shall require that assignee assume all obligations of Atmos Energy and be bound to the same extent as Atmos Energy hereunder. If within the first year after assignment, City identifies a failure to comply with a material provision of this Ordinance, City shall have the right, after notice and opportunity for hearing before Council, to terminate this Ordinance pursuant to Section 6. Any assignment or transfer effected prior to the City's approval thereof, if required, shall authorize the City to treat such assignment or transfer as an Uncured Event of Default and immediately implement the provisions of Section 6, including the right to terminate the franchise granted herein.

**SECTION 8.** <u>ACCEPTANCE OF FRANCHISE</u>: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

**SECTION 9.** <u>PARAGRAPH HEADINGS. CONSTRUCTION</u>: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

**SECTION 10.** <u>GOVERNING LAW</u>: This Ordinance shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction.

**SECTION 11.** <u>SEVERABILITY</u>: It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance. Both Atmos Energy and the City expressly recognize that this Ordinance creates a binding and enforceable contract between them, which contract may not be amended without written consent of both Atmos Energy and the City. Should any inconsistency or conflict exist now or in the future between the provisions of this Ordinance and the City's charter or another ordinance or ordinances, then the provisions of this Ordinance shall control to the extent of such inconsistency or conflict to the extent not prohibited by law.

**SECTION 12.** <u>**REPEALER**</u>: Each and every other ordinance or part thereof which is directly in conflict with any provision herein as to the grant of a franchise for natural gas services and the regulation thereof is hereby repealed.

**SECTION 13.** <u>EFFECTIVE DATE:</u> If Atmos Energy accepts this ordinance, it becomes effective as of June 6, 2022.

PASSED AND APPROVED by the City Council of the City of Rockwall, Texas on this the <u>6<sup>th</sup></u> day of June, 2022.

**CITY OF ROCKWALL** 

Kevin Fowler, Mayor City of Rockwall, Texas

ATTEST:

Kristy Teague, City Secretary

05/16/2022 1<sup>st</sup> reading:

APPROVED AS TO FORM:

06/06/2022 2<sup>nd</sup> reading:

Frank Garza, City Attorney

STATE OF TEXAS	§
COUNTY OF ROCKWALL CITY OF ROCKWALL	§ §

I, Kristy Teague, City Secretary of the City of Rockwall, Rockwall County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Rockwall, Texas, at a regular session, held on the  $6^{th}$  day of June, 2022, as it appears of record in the official minutes of said meeting.

WITNESS MY HAND AND SEAL OF SAID CITY, this the 6<sup>th</sup> day of May, 2022.

Kristy Teague, City Secretary City of Rockwall, Texas

### **CITY OF ROCKWALL**

#### ORDINANCE NO. 22-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS. AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A FIVE (5) ACRE TRACT OF LAND **IDENTIFIED AS LOT 5 OF THE MUSTANG ACRES ADDITION,** CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE: **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR** A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from John and Rita Canavan for the approval of a *Zoning Change* from an Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and more fully described and depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] should be amended as follows:

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

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property from* an Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District;

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Single-Family 1 (SF-1) District* as stipulated in Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, and Subsection 03.05, *Single-Family 1 (SF-1) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

**SECTION 3.** That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

**SECTION 4.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 5.** If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

**SECTION 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage.

# PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{TH}$ DAY OF JUNE, 2022.

Kevin Fowler, Mayor

### ATTEST:

Kristy Teague, City Secretary

### APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: May 16, 2022

2<sup>nd</sup> Reading: June 6, 2022



<u>Legal Description</u>: A Five (5) Acre Tract of Land Identified as Lot 5 of the Mustang Acres Addition <u>Addressed As:</u> 714 Clem Road



#### CITY OF ROCKWALL

#### ORDINANCE NO. 22-30

#### SPECIFIC USE PERMIT NO. S-278

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A TOWING AND IMPOUND YARD ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE: PROVIDING FOR SPECIAL CONDITIONS: PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) to allow for a *Towing and Impound Yard* on a 1.804-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and being more specifically depicted and described in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *Towing and Impound Yard* as stipulated by Subsection 01.02, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*, and Subsection 04.06, *Heavy Commercial (HC) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and Article VI, *Wrecker and Towing Services*,

of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

### 2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Towing and Impound Yard* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit 'B' of this ordinance.
- (2) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
- (3) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the *Subject Property*. In addition, all impounded vehicles shall be stored behind the front façade of the building.
- (4) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
- (5) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
- (6) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
- (7) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

### 2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

(1) Upon obtaining a Certificate of Occupancy (CO), should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), Revocation, of Article 11, Development Applications and Revision Procedures, of the Unified Development Code (UDC) [Ordinance No. 20-02].

**SECTION 4.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

**SECTION 5.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.
**SECTION 6.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

**SECTION 8.** That this ordinance shall take effect immediately from and after its passage.

## PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{TH}$ DAY OF JUNE, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1<sup>st</sup> Reading: <u>May 16, 2022</u>

2<sup>nd</sup> Reading: June 6, 2022

<u>Address:</u> 227 National Drive <u>Legal Description:</u> Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128





#### **CITY OF ROCKWALL**

#### ORDINANCE NO. 22-31

#### SPECIFIC USE PERMIT NO. S-279

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING ON A 3.02-ACRE TRACT OF LAND ZONED SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a request has been made by Carlos and Crystal Solis for the approval of a Specific Use Permit (SUP) for an accessory building that exceeds the maximum overall square footage permitted per lot as stipulated by the Unified Development Code (UDC), situated on a 3.02-acre tract of land, zoned Single-Family Estate 2.0 (SFE-2.0) District, and being identified as Lot 7R, Lofland Lake Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, addressed as 2914 S. FM-549, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-38*] of the City of Rockwall should be amended as follows:

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

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of a accessory building that does not conform to the minimum requirements for accessory buildings in a Single-Family Estate 2.0 (SFE-2.0) District as stipulated by Article 04, *Permissible Uses*, and Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-38*] on the *Subject Property*; and

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 3.3, *Single Family Estate 2.0 (SFE-2.0) District,* of Article 05, *District Development Standards,* of the Unified Development Code (UDC) [*Ordinance No. 20-38*] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as my be amended in the future, and shall be subject to the additional following conditions:

#### 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an accessory building on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The *Accessory Building* shall generally conform to the concept plan and the conceptual building elevations depicted in *Exhibits* 'B' & 'C' of this ordinance.
- 2) The accessory building shall not exceed a maximum size of 390 SF;
- 3) The subject property shall not have more than one (2) accessory buildings;
- 4) The accessory building shall not exceed a maximum overall SF of 1,275 SF;
- 5) The accessory building shall not be operated as a commercial use; and,
- 6) The accessory building is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

### 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

 Upon obtaining a *Building Permit*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

**SECTION 3.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

**SECTION 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (*\$2,000.00*) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage.

# PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{th}$ DAY OF JUNE, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary

## APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1<sup>st</sup> Reading: <u>May 16, 2022</u>

2<sup>nd</sup> Reading: <u>June 6, 2022</u>

<u>Address:</u> 2914 S. FM-549 <u>Legal Description:</u> Lot 7R of the Lofland Lake Estates No. 2 Addition







#### CITY OF ROCKWALL

#### ORDINANCE NO. 22-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT AND COMMERCIAL (C) **DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 96 (PD-96)** FOR LIMITED COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 13.55-ACRE TRACT OF LAND IDENTIFIED AS LOTS 8R, 9R, & 10 OF THE RAINBOW ACRES SUBDIVSION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE: PROVIDING FOR A SEVERABILITY CLAUSE: PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN **EFFECTIVE DATE.** 

**WHEREAS**, the City has received a request from Fred Gans of CDC Equities, LLC for a change in zoning from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses for a 13.55-acre tract of land identified as Lots 8R, 9R, & 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, and more fully described in *Exhibit* 'A' and depicted in *Exhibit* 'B' of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

**SECTION 1.** That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future;

**SECTION 2.** That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit* 'C' of this ordinance, attached hereto and incorporated herein by reference as *Exhibit* 'C', which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

**SECTION 3.** That development of any buildings on the *Subject Property* shall generally be in accordance with the *Concept Building Elevations*, depicted in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

**SECTION 4.** That development of the *Subject Property* shall generally be in accordance with the *Development Standards*, outlined in *Exhibit 'E'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'E'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

**SECTION 5.** That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

**SECTION 6.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 7.** That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

**SECTION 8.** The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

**SECTION 9.** That this ordinance shall take effect immediately from and after its passage;

# PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{TH}$ DAY OF JUNE, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary

### APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1<sup>st</sup> Reading: <u>May 16, 2022</u>

2<sup>nd</sup> Reading: June 6, 2022

*BEING* a 13.541-acre tract of land situate in the W.W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, and a portion of a 70.06-acre tract of land described by deed conveyed to J. A. Wilkerson, Jr. dated March 29, 1941, from J. H. Weddington, recorded in Vol. 36, Page 522, Deed Records, Rockwall County, Texas (D.R.R.C.T.), said 13.541-acre tract of land being more particularly described as follows:

Lots 8R & 9R, Replat of Rainbo Acres Addition, Lots 8 and 9, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet F, Slides 377 and 378, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

Together with, Lots 10 and 11 of Rainbo Acres Subdivision as shown by Plat recorded in Cabinet A, Slide 20, Plat Records of Rockwall County, Texas (P.R.R.C.T.), and being further described by metes and bound as follows:

*BEGINNING* at a <sup>1</sup>/<sub>2</sub>" iron rod found being common to the westerly corner of said Lot 8R Rainbo Acres Addition and the southerly corner of Lot 7 shown in said Cabinet A, Slide 20, said iron rod also being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

*THENCE* departing said right-of-way line, North 44°39'29" East, along the line common with the northwesterly line of said Lot 8R and the southeasterly line of Lots 7 & 12 of said Rainbo Acres Subdivision, Cabinet A, Slide 20, 812.02 feet to a  $\frac{1}{2}$ " iron rod found for the easterly corner of said Lot 12 and the southerly corner of Lot 25, in accordance with the Replat of Rainbo Acres, Inst.#20210000007850, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

*THENCE* North 44°10'42" East, along the line common with the northwesterly line of said Lot 8R and the southeasterly line of said Lot 25, 266.49 feet to a ½" iron rod found for the northerly corner of said Lot 8R and the easterly corner of said Lot 25, said point being on the westerly line of a tract of land described by deed to Wallace Land Partners, recorded in Vol. 2017, Page 76, Deed Records, Rockwall County, Texas (D.R.R.C.T.);

*THENCE* South 00°36'51" East, along the line common with the westerly line of said Wallace Land Partners and the easterly line of said Lots 8R & 9R, 682.52 feet to a ½" iron rod found for the easterly corner of said Lot 9R and the northerly corner of said Lot 10, Rainbo Acres Subdivision, said point being on the westerly line of said Wallace Land Partners tract;

*THENCE* South 00°58'38" East, along the line common with the westerly line of said Wallace Land Partners, the westerly line of a tract of land described by deed to Patricia Lou Wallace Luecke, recorded in Vol. 186, Page 11, Deed Records, Rockwall County, Texas (D.R.R.C.T.) and the easterly line of said Lots 10 & 11, Rainbo Acres Subdivision, 862.18 feet to a  $\frac{1}{2}$ " iron rod found for the southerly corner of said Lot 11 and the westerly corner of said Patricia Lou Wallace Luecke tract, said point being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

*THENCE* North 45°05'54" West, along the line common with said northeasterly right-of-way line and the southwesterly line of said Lots 11 & 10, Rainbo Acres Subdivision and said Lots 9R & 8R, Rainbo Acres Addition, 1099.06 feet to the *POINT OF BEGINNING* and containing 13.541 acres of land, more or less.

Reference bearing basis being grid north, Texas state plane coordinates, north central zone, NAD83 (adjustment 2011, epoch date 2010), determined by GPS observations.









All development occurring within the boundaries of the *Subject Property* shall conform to the development and land use standards contained in this Planned Development District ordinance. Development and land use standards not explicitly mentioned in this ordinance shall be governed by *Ordinance No. 20-02* and be subject to all pertinent development and land use standards for a Commercial (C) District as specified by the Unified Development Code (UDC). All sections of the Unified Development Code (UDC) referenced in this section of the Planned Development District Ordinance shall be as is and as amended in the future.

### E.1 PURPOSE.

The purpose of this Planned Development District is to provide provisions that control the development of a *Mini-Warehouse Facility* and *Office/Warehouse Buildings* on the subject property.

### E.2 LAND USE AND DEVELOPMENT STANDARDS.

- (1) <u>Permitted Uses</u>. Unless specifically provided for by this Planned Development District Ordinance, only those uses permitted within the Commercial (C) District, as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code (UDC), as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future; however, the following conditions shall apply:
  - (a) The following land uses shall be permitted By-Right:
    - Mini-Warehouse<sup>1</sup>
    - Warehouse<sup>2</sup>

#### <u>Notes:</u>

- <sup>(1)</sup>: The following *Conditional Land Use Standards* are required with the establishment of this land use:
  - (1) A caretakers quarters shall prohibited in conjunction with the *Mini-Warehouse* land use.
  - (2) The front, side and rear building setback areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the large industrial nature of the buildings. This will be reviewed at the time of site plan for conformance.
  - (3) The commercial operation of rental trucks and trailers shall be prohibited.
  - (4) Businesses shall be permitted to operate in the individual units; however, the business shall conform to the permitted uses as specified in this Planned Development District Ordinance.
  - (5) No outside storage of any kind shall be allowed.
  - (6) Lighting standards shall be limited to 20-feet.
- <sup>(2)</sup>: As an accessory use to an office.
- (b) The following land uses shall be expressly *Prohibited*:
  - Agricultural Uses on Unplatted Land
  - Animal Boarding/Kennel without Outside Pens
  - Animal Clinic for Small Animals without Outdoor Pens
  - Animal Hospital or Clinic
  - Community Garden
  - Urban Farm
  - Covenant, Monastery, or Temple
  - Limited Service Hotel

- Full-Service Hotel
- Residence Hotel
- Motel
- Assisted Living Facility
- Blood Plasma Donor Center
- Cemetery/Mausoleum
- Church/House of Worship
- College, University, or Seminary
- Convalescent Care Facility/Nursing Home
- Congregate Care Facility/Elderly Housing
- Daycare Facility
- Emergency Ground Ambulance Services
- Government Facility
- Hospice
- Hospital
- Public Library
- Mortuary or Funeral Chapel
- Local Post Office
- Regional Post Office
- Public or Private School
- Financial Institution with a Drive-Through
- Temporary Carnival, Circus, or Amusement Ride
- Indoor Commercial Amusement/Recreation
- Outdoor Commercial Amusement/Recreation
- Public or Private Community or Recreation Club as an Accessory Use
- Private Country Club
- Golf Driving Range
- Temporary Fundraising Events by Non-Profit
- Indoor Gun Club with Skeet or Target Range
- Health Club or Gym
- Private Club, Lodge or Fraternal Organization
- Private Sports Arena, Stadium, and/or Track
- Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)
- Theater
- Antique/Collectible Store
- Astrologer, Hypnotist, or Psychic
- Banquet Facility/Event Hall
- Portable Beverage Service Facility
- Brew Pub
- Business School
- Catering Service
- Temporary Christmas Tree Sales Lot and/or Similar
- Copy Center
- Craft/Micro Brewery, Distillery and/or Winery
- Incidental Display
- Food Trucks/Trailers
- Garden Supply/Plant Nursery
- General Personal Service
- Hair Salon and/or Manicurist
- Laundromat with Dropoff/Pickup Services
- Self Service Laundromat
- Massage Therapist
- Private Museum or Art Gallery

- Night Club, Discotheque, or Dance Hall
- Pawn Shop
- Permanent Cosmetics
- Pet Shop
- Temporary Real Estate Sales Office
- Rental Store without Outside Storage and/or Display
- Restaurant with less than 2,000 SF with Drive-Through or Drive-In
- Restaurant with less than 2,000 SF without Drive-Through or Drive-In
- Restaurant with 2,000 SF or more with Drive-Through or Drive-In
- Restaurant with 2,000 SF or more without Drive-Through or Drive-In
- Retail Store with Gasoline Sales that has Two (2) or less Dispensers (*i.e. a Maximum of Four [4] Vehicles*)
- Retail Store with Gasoline Sales that has more than Two (2) Dispensers
- Secondhand Dealer
- Tailor, Clothing, and/or Apparel Shop
- Bail Bond Service
- Building and Landscape Material with Outside Storage
- Electrical, Watch, Clock, Jewelry and/or Similar Repair
- Furniture Upholstery/Refinishing and Resale
- Rental, Sales and Service of Heavy Machinery and Equipment
- Locksmith
- Shoe and Boot Repair and Sales
- Trade School
- Minor Automotive Repair Garage
- Automobile Rental
- New or Used Boat and Trailer Dealership
- Full Service Car Wash and Auto Detail
- Self Service Car Wash
- New Motor Vehicle Dealership for Cars and Light Trucks
- Used Motor Vehicle Dealership for Cars and Light Trucks
- Commercial Parking
- Recreational Vehicle (RV) Sales and Service
- Service Station
- Temporary Asphalt or Concrete Batch Plant
- Mining and Extraction of Sand, Gravel, Oil and/or Other Materials
- Commercial Antenna
- Antenna for an Amateur Radio
- Radio Broadcasting
- (2) <u>Density and Dimensional Requirements</u>. Unless specifically provided by this Planned Development District ordinance, the density and dimensional standards stipulated by the Commercial (C) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC) are applicable to all development of the *Subject Property*. All development shall also conform to the following additional standards:
  - (a) <u>Building Height</u>. The building height for all buildings shall be limited to a maximum height of 36-feet.
- (3) <u>Architectural and Building Standards</u>. Unless specifically provided by this Planned Development District ordinance, the development standards stipulated by the Commercial (C) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC) are applicable to all development of the

Subject Property; however, the buildings shall generally adhere to the Concept Building Elevations contained in Exhibit 'D'. In addition, buildings fronting onto or that have visibility from Horizon Road (*FM-3097*) shall meet the General Overlay District Standards stipulated by Section 06, Overlay Districts, of Article 05, District Development Standards, of the Unified Development Code (UDC). These standards shall only apply to the building façades front onto or that have visibility from Horizon Road (*FM-3097*).

- (4) <u>Landscaping and Hardscape Standards</u>. Unless specifically provided by this Planned Development District ordinance, the landscape and hardscape standards stipulated by Article 05, *District Development Standards*, and Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) are applicable to all development of the *Subject Property*. In addition, the landscape buffer requirements for the development of the *Subject Property* shall be as follows:
  - (a) <u>Landscape Buffer and Sidewalk (Horizon Road)</u>. A minimum of a 20-foot landscape buffer shall be provided along Horizon Road (*FM-3097*) (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* undulating berm and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a minimum height of 30-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. A meandering/curvilinear six (6) foot trail shall be constructed within the 20-foot landscape buffer.
  - (b) <u>Landscape Areas Adjacent to the Eastern Property Line</u>. A minimum of a ten (10) foot landscape buffer shall be provided adjacent to the eastern boundary (*i.e. adjacent to Tracts 44-01 & 45-5 of the W. W. Ford Survey, Abstract No. 80*), and shall incorporate ground cover and a shrubbery along the entire length of the frontage. Within this buffer the applicant shall provide canopy trees on 20-foot centers along the entire adjacency.
- (5) <u>Variances</u>. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance.

#### **CITY OF ROCKWALL**

#### ORDINANCE NO. 22-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 14.78-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 8 & 8-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 34, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND FURTHER DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE: **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR** A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from Hellen Byrd on behalf of Donald Valk for the approval of a *Zoning Change* from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 & 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and more fully described in *Exhibit* 'A' and depicted in *Exhibit* 'B' of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] should be amended as follows:

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

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from Agricultural (AG) District to a Light Industrial (LI) District;

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes provided for a Light Industrial (LI) District as stipulated in Section 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses* and Section 05.01, *General Industrial District Standards*; Section 05.02, *Light Industrial (LI) District*; Section 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

**SECTION 3.** That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

**SECTION 4.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (*\$2,000.00*) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 5.** If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

**SECTION 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage.

## PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{TH}$ DAY OF JUNE, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary

### APPROVED AS TO FORM:

Frank J. Garza, *City Attorney* 

1<sup>st</sup> Reading: <u>May 16, 2022</u>

2<sup>nd</sup> Reading: June 6, 2022

**BEING** ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J.H. BAILEY SURVEY, ABSTRACT NOS. 34 & 44, ROCKWALL COUNTY, TEXAS AND BEING A PART OF A 15.00-ACRE TRACT OF LAND AS DESCRIBED IN DEED TO GEORGE R. HEARD AND MITZI HEARD, AS RECORDED IN *VOLUME 1202, PAGE 50* OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

**BEGINNING** AT A 5/8" IRON ROD WITH RED CAP FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276, SAID POINT BEING IN THE WEST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF A 15.00-ACRE TRACT OF LAND AS DESCRIBED IN DEED TO COMMERCIAL CONSTRUCTION SPECIALTIES, LP, A TEXAS LIMITED PARTNERSHIP, AND RECORDED IN *INSTRUMENT NUMBER 20190000023410* OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, SAID POINT BEING SOUTH AT A DISTANCE OF 18.28-FEET FROM THE NORTHEAST CORNER OF SAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

**THENCE** SOUTH 72° 55' 54" EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 86.96-FEET TO A 5/8" IRON ROD SET FOR CORNER;

**THENCE** SOUTH 89° 20' 24" EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 159.20-FEET TO A TXDOT MONUMENT FOUND FOR CORNER IN THE EAST LINE OF AFORESAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE WEST LINE OF A 10.04-ACRE TRACT OF LAND CONVEYED TO MICHAEL G. SARAGUSA AS RECORDED IN *VOLUME 4131, PAGE 153* OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS;

**THENCE** SOUTH 00° 00' 00" EAST AND DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 276 AND FOLLOWING THE EAST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT, COMMON WITH THE WEST LINE OF SAID 10.04-ACRE MICHAEL G. SARAGUSA TRACT FOR A DISTANCE OF 2650.60-FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE SOUTHWEST CORNER OF SAID 10.04-ACRE MICHAEL G. SARAGUSA TRACT;

**THENCE** SOUTH 89° 54' 43" WEST AND FOLLOWING ALONG THE SOUTH LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT FOR A DISTANCE OF 242.32-FEET TO A POINT FOR CORNER, FROM WHICH 1/2" IRON ROD FOUND BEARS NORTH 62° 32' 19" WEST AT A DISTANCE OF 0.76-FEET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE SOUTHEAST CORNER OF AFORESAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

**THENCE** NORTH 00° 00' 00" WEST AND FOLLOWING ALONG THE WEST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF SAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT, FOR A DISTANCE OF 2678.33-FEET TO THE *POINT OF BEGINNING* AND CONTAINING 14.7772-ACRES OF LAND, MORE OR LESS.



#### **CITY OF ROCKWALL**

#### ORDINANCE NO. 22-34

#### SPECIFIC USE PERMIT NO. S-280

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR **RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO** ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1214-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22, BLOCK B, CHANDLER'S LANDING, PHASE 4 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS: PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE: PROVIDING FOR Α **REPEALER CLAUSE:** PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has received a request from Ruben Chapa for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.1214-acre parcel of land being described as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Planned Development District 8 (PD-8) of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

**SECTION 1.** That the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Planned Development District 8 (PD-8) of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.07, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and to the requirements set forth in Planned Development District 8 (PD-8) -- as heretofore amended and may be amended in the future -- and with the following conditions:

### 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the <u>Residential Plot Plan</u> as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

#### 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

 Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

**SECTION 3.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

**SECTION 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full

force and effect.

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE  $6^{TH}$  DAY OF JUNE, 2022.

Kevin Fowler, *Mayor* 

ATTEST:

Kristy Teague, City Secretary

**APPROVED AS TO FORM:** 

Frank J. Garza, *City Attorney* 

1<sup>st</sup> Reading: May 16, 2022

2<sup>nd</sup> Reading: <u>June 6, 2022</u>

<u>Address:</u> 5405 Ranger Drive <u>Legal Description:</u> Lot 22, Block B, Chandler's Landing, Phase 4











## MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: June 6, 2022

SUBJECT: P2022-023; REPLAT FOR LOTS 5-7, BLOCK B, ROCKWALL TECHNOLOGY PARK ADDITION

Attachments Case Memo Development Application Location Map Replat

#### Summary/Background Information

Consider a request by Alison Winget of Links Construction on behalf of Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a*Replat* for Lots 5, 6 & 7, Block B, Rockwall Technology Park Addition being a 7.377-acre parcel of land identified as Lot 4, Block B, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of SH-276 and Innovation Drive, and take any action necessary.

Action Needed The City Council is being asked to approve, approve with conditions, or deny the proposed *Replat*.



CITY OF ROCKWALL CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO:	Mayor and City Council
DATE:	June 6, 2022
APPLICANT:	Alison Winget; Links Construction
CASE NUMBER:	P2022-023; Replat for Lots 5-7, Block B, Rockwall Technology Park Addition

#### **SUMMARY**

Consider a request by Alison Winget of Links Construction on behalf of Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a <u>Replat</u> for Lots 5, 6 & 7, Block B, Rockwall Technology Park Addition being a 7.377acre parcel of land identified as Lot 4, Block B, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of SH-276 and Innovation Drive, and take any action necessary.

#### PLAT INFORMATION

- ☑ The applicant is requesting the approval of a <u>Replat</u> of a 7.377-acre tract of land (*i.e. Lots 5-7, Block B, Rockwall Technology Park Addition*) for the purpose of establishing lot lines and easements to facilitate the development of a 20,929 SF Office/Warehouse/Manufacturing Facility and to establish a regional detention lot for the Rockwall Economic Development Corporation (REDC).
- ☑ The subject property was annexed by the City Council on December 3, 1985 by Ordinance No. 85-69 [Case No. A1985-002]. According to the City's December 7, 1993 historic zoning map, at some point between the time of annexation and December 7, 1993, the subject property was rezoned from Agricultural (AG) District to a Light Industrial (LI) District. On August 16, 1999, the City Council approved a final plat [Case No. PZ1999-059-01] that established the subject property as a portion of Block B, Rockwall Technology Park Addition. On August 21, 2000, the City Council approved a replat [Case No. PZ2000-068-01] platting the subject property as Lot 2, Block B, Rockwall Technology Park Addition. On April 24, 2012, the City Council approved a replat [Case No. P2012-005] that platted the subject property as Lot 4, Block B, Rockwall Technology Park Addition. On March 15, 2022, the Planning and Zoning Commission approved a site plan [Case No. SP2022-005] to allow the construction of a 20,929 SF Office/Warehouse/Manufacturing Facility on the subject property.
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this <u>Replat</u> -- conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this <u>Replat</u> by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

#### **CONDITIONS OF APPROVAL**

If City Council chooses to approve the <u>Replat</u> for the Lots 5-7, Block B, Rockwall Technology Park Addition, staff would propose the following conditions of approval:

(1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;

(2) Any construction resulting from the approval of this <u>Replat</u> shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### PLANNING AND ZONING COMMISSION

On May 31, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the replat by a vote of 7-0.

DEVELOPMENT APPLICATION City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087			DN PLAN <u>NOTE</u> CITY I SIGNE DIREC CITY I	STAFF USE ONLY PLANNING & ZONING CASE NO. <u>NOTE:</u> THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW. DIRECTOR OF PLANNING: CITY ENGINEER:			
PLEASE CHECK THE	APPROPRIATE BOX BELOW TO INDI	CATE THE TYPE OF DEV	ELOPMENT REC	UEST [SELECT ON	ILY ONE BOX	]:	
PLATTING APPLICATION FEES:   MASTER PLAT (\$100.00 + \$15.00 ACRE) 1   PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) 1   FINAL PLAT (\$300.00 + \$20.00 ACRE) 1   REPLAT (\$300.00 + \$20.00 ACRE) 1   AMENDING OR MINOR PLAT (\$150.00)   PLAT REINSTATEMENT REQUEST (\$100.00)   SITE PLAN APPLICATION FEES:   SITE PLAN (\$250.00 + \$20.00 ACRE) 1   AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)		PLAN (\$100.00)	ZONING APPLICATION FEES:   ZONING CHANGE (\$200.00 + \$15.00 ACRE) 1   SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) 1 * 2   PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) 1   OTHER APPLICATION FEES:   TREE REMOVAL (\$75.00)   VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) 2   NOTES:   'IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.   'A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.				
PROPERTY INF	ORMATION [PLEASE PRINT]						
ADDRES	S 1901 State Highway 276						
SUBDIVISIO	N Rockwall Technology Park			LOT	4	BLOCK	В
GENERAL LOCATIO	N Northwest corner for innov	ation drive and HWY 2	276.				
CURRENT ZONIN	G, SITE PLAN AND PLATTING INFORMATION (PLEASE P RENT ZONING Light Industrial		IJ CURRENT USE	Light Industrie	J		
				Light Industrial			
PROPOSED ZONIN	Light maastria		ROPOSED USE	Light Industria			
ACREAG	E 7.377 AC	LOTS [CURRENT] 1		LOTS [F	PROPOSED]	3	
REGARD TO ITS RESULT IN THE	D PLATS: BY CHECKING THIS BOX YOU APPROVAL PROCESS, AND FAILURE TO DENIAL OF YOUR CASE.	ADDRESS ANY OF STAFF	S COMMENTS BY	THE DATE PROVIDE	D ON THE DEV	ELOPMENT C	EXIBILITY WITH ALENDAR WILI
	ANT/AGENT INFORMATION					REQUIRED]	
	Rockwall EDC			Links Construct	ion		
CONTACT PERSON	Phil Wagner	CONT	ACT PERSON	Alison Winget			
ADDRESS	PO Box 968		ADDRESS	525 S Loop 288	Suite 105		
CITY, STATE & ZIP	Rockwall, TX 75087	CITY	STATE & ZIP	Donton TV 760	24		
PHONE	972-772-0025						
			E-MAIL	214-680-0583 awinget@links	construction	n.com	
E-MAIL				0.0			
BEFORE ME, THE UNDE	pwagner@rockwalledc.com <b>CATION [REQUIRED]</b> RSIGNED AUTHORITY, ON THIS DAY PERS FION ON THIS APPLICATION TO BE TRUE A		Wayner WING:		[OWNER]	THE UNDER	signed, who
NOTARY VERIFI BEFORE ME, THE UNDE STATED THE INFORMAT "I HEREBY CERTIFY THAT \$	ICATION [REQUIRED] IRSIGNED AUTHORITY, ON THIS DAY PERS FION ON THIS APPLICATION TO BE TRUE A T I AM THE OWNER FOR THE PURPOSE OF T , TO COVER THE COST OF TH	AND CERTIFIED THE FOLLO THIS APPLICATION; ALL INFOR HIS APPLICATION, I AS BEEN APPLICATION, I AGREE THAT IBLIC. THE CITY IS ALSO	RMATION SUBMITTE PAID TO THE CITY THE CITY OF ROC AUTHORIZED AND	OF ROCKWALL ON TH KWALL (I.E. "CITY") IS PERMITTED TO REP	ND CORRECT; IIS THE 18 S AUTHORIZED PRODUCE ANY	AND THE APPLI	CATION FEE OF DAY OF
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# City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com 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.





												SURVEYOR
Data Tal	ple				Curv	e Data Ta	ble		L	ine Data	Table	
Delta	Chord Bearing	Chord	Curve #	Arc	Radius	Delta	Chord Bearing	Chord	Line #	Distance	Bearing	BCS
037*45'59"	N71°55'43"W	19.42'	C11	71.95'	54.00'	076 <b>°</b> 20'45"	N51°00'22"E	66.75'	L1	13.24'	S891118"W	
090°00'00"	N45°48'42"W	76.37'	C12	84.83'	54.00'	090°00'33"	S45°48'59"E	76.37'	L2	15.22'	N00°48'42"W	BARTON CHAPA
090°00'33"	N45°48'59"W	42.43'	C13	47.12'	30.00'	090°00'00"	S45°48'42"E	42.43'	L3	28.59'	N00°48'42"W	SURVEYING
089°59'27"	S44*11'01"W	42.42'	C14 C15	29.65'	30.34'	055*59'56"	N65°03'14"E	28.48'	L4 L5	27.75' 15.22'	N44*11'18"E S00*48'42"E	BARTON CHAPA SURVEYING, LLC JOHN H. BARTON, III RPLS# 6737
003 <b>°</b> 54'48" 003 <b>°</b> 38'27"	S02°46'06"E	2.05' 1.91'	C15	15.71' 31.42'	20.00' 20.00'	045°00'00" 090°00'00"	N66°41'18"E S45°48'42"E	15.31' 28.28'	L6	27.75'	N44"11'18"E	5200 STATE HIGHWAY 121
003 38 27 090 <b>°</b> 00'00"	N45°48'42"W	28.28'	C18 C17	31.42	20.00	090'00'00"	S45 48 42 E S4411'18"W	28.28	L7	21.71	N00°48'42"W	COLLEYVILLE, TX 76034
045°00'00"	N43 48 42 W N21°41'18"E	33.68'	C18	31.42'	20.00'	090'00'00"	N45°48'42"W	28.28'	L8	20.00'	N88°24'49"E	(817) 864-1957 JACK@BCSDFW.COM
045°00'00"	N66°41'18"E	33.68'	C19	15.71'	20.00'	045'00'00"	N21°41'18"E	15.31'	 L9	7.92'	S00°48'42"E	JACK@BCSDIW.COW
076°21'18"	N51°00'39"E	37.09'							L10	19.99'	N00°00'00"E	
			]						L11	10.34'	N89"11'18"E	JOB NO. 2021.024.011
									L12	7.16'	N00 <b>°</b> 48'42"W	DRAWN: BCS
									L13	18.27'	S00°48'42"E	CHECKED: JHB
ر				\\	•		١		L14	12.93'	S45 <b>°</b> 48'42"E	TABLE OF REVISIONS
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24' FIRE UTILITY. &	LANE, PUBLIC ACCES CRAINAGE EASEMEN	s,/				ן    ד גי    א	L-222	۱ ۱	L27	20.00'	S00°48'42"E	Colleyville, TX 76034
·····					1 2		P.R.P	N	L28	24.65'	S89°11'18"W	Phone: 817-488-4960
								1	L29	8.36'	N00 <b>°</b> 48'42"W	OWNER
					\ \द				L30	19.86'	N89*11'18"E	ROCKWALL ECONOMIC
							c1 -	1	L31	8.69'	S00°48'42"E	DEVELOPMENT CORPORATION 697 E. I.H. 30
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								I	L35	11.75'	S00°48'42"E	FINAL PLAT
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	155,204								L37	21.74'	S44°11'18"W	
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						$\langle \rangle$	36.0	7'				ROCKWALL
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EASEMENT							105.0)	1				PARK
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220–221, P.R.I					$\sum$	1/2" REBAR "BARTON CHAPA"	"X" FND.		1			TECHNOLOGY PARK
		1)										3 LOTS - 7.377 ACRES
τ – —						- [- [		45'14"W	<u> </u>			CITY OF ROCKWALL,
$\langle \rangle$			70') VOL. D, PG	(15' SIGHT 220-221,	EASEMENT P.R.R.C.T.	$\checkmark$	15.34					ROCKWALL COUNTY,
	/AY DEDICATION 0000013807, O.P.R.R.C.T.											TEXAS
DOC.# 2010												
								_				SHEET:
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												1 05 2
												1 OF 2
												CITY CASE# XXXXX-XX
												74
												14

# STATE OF TEXAS COUNTY OF ROCKWALL

WHEREAS ROCKWALL ECONOMIC DEVELOPMENT CORPORATION is the owner of a portion of Lot 4 in Block B of Rockwall Technology Park, an addition in the City of Rockwall, Rockwall County, Texas, according to the plat recorded under Cabinet H, Slide 221, Plat Records, Rockwall County, Texas, (P.R.R.C.T.), the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

**BEGINNING** at a 1/2 inch rebar with cap stamped, "WEIR" found for the northwest corner of said Lot 4, same being the northwest corner of the herein described tract;

**THENCE** with the perimeter and to the corners of said Lot 4, the following calls:

1. North 88 degrees 24 minutes 49 seconds East, a distance of 445.00 feet to a point from which a 1/2 inch rebar found bears North 38 degrees West, a distance of 0.37 feet;

2. North 01 degrees 35 minutes 11 seconds West, a distance of 46.30 feet to a 1/2 inch rebar found;

3. North 89 degrees 10 minutes 45 seconds East, a distance of 427.39 feet to a 1/2 inch rebar with an illegible cap found at the beginning of a non-tangent curve to the right, having a radius of 870.00 feet, with a delta angle of 15 degrees 35 minutes 53 seconds, whose chord bears South 08 degrees 37 minutes 12 seconds East, a distance of 236.12 feet;

4. Along said non-tangent curve to the right, an arc length of 236.85 feet to a 1/2 inch rebar with cap stamped, "WEIR" found;

5. South 00 degrees 49 minutes 15 seconds East, a distance of 36.07 feet to a 1/2 inch rebar with cap stamped, "WEIR " found;

6. South 06 degrees 18 minutes 15 seconds West, a distance of 105.07 feet to a point for the northeast corner of a tract of land described by deed to the State of Texas as recorded under Document Number 20160000013807, Official Public Records, Rockwall County, Texas, (O.P.R.R.C.T.), from which an "X" cut found bears North 45 degrees East, a distance of 5.79 feet;

**THENCE** South 47 degrees 45 minutes 14 seconds West, with the northwest line of said State of Texas tract, a distance of 15.34 feet to a 1/2 inch rebar with pink cap stamped, "BARTON CHAPA" found at a re-entrant corner thereof;

**THENCE** South 89 degrees 11 minutes 18 seconds West, with the north line of said State of Texas tract, a distance of 874.82 feet to a 1/2 inch rebar with cap stamped, "TXDOT" found for the northwest corner thereof, same being in the west line of said Lot 4;

**THENCE** North 01 degrees 35 minutes 06 seconds West, with the west line of said Lot 4, a distance of 332.06 feet to the **POINT OF BEGINNING** and enclosing 7.377 acres (321,342 square feet) of land, more or less.

# NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

**ROCKWALL ECONOMIC DEVELOPMENT CORPORATION**, the undersigned owner(s) of the land shown on this plat, and designated herein as the LOTS 5, 6, & 7, BLOCK B, ROCKWALL TECHNOLOGY **PARK**, subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the LOTS 5, 6, & 7, BLOCK B, **ROCKWALL TECHNOLOGY PARK** subdivision have been notified and signed this plat. I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following;

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.

2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of

these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.

3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.

4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.

5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.

6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall. I (we) further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

Rockwall Economic Development Corporation (authorized agent)

STATE OF TEXAS	§
COUNTY OF	_§

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared\_\_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as for the purpose and consideration therein expressed, and in the capacity therein stated.

Notary Public in and for the State of Texas

# SURVEYOR'S NOTES:

- 1. Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.000146135.
- This property lies within Zone "X" of the Flood Insurance Rate Map for Rockwall County, Texas and Incorporated Areas, map no. 48397C0045L, with an effective date of September 26, 2008, via scaled map location and graphic plotting.
- 3. Monuments are found unless specifically designated as set.
- 4. Elevations (if shown) are North American Vertical Datum of 1988 (NAVD '88).

### PLAT NOTES:

- 1. It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.
- 2. Property owner shall be responsible for maintaining, repairing, and replacing all systems within the drainage and detention easements.

## NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

# SURVEYOR'S CERTIFICATE

I, John H. Barton III, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Date of Plat/Map: April 11, 2022

John H. Barton III, RPLS# 6737

Planning & Zoning Commission, Chairman

Date

# APPROVED:

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Planning Director of the City of Rockwall on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this\_\_\_\_\_ day of\_\_\_\_\_\_, 20\_\_\_\_\_.

Mayor, City of Rockwall

City Secretary

City Engineer

SURVEYOR
BCS
BARTON CHAPA SURVEYING
BARTON CHAPA SURVEYING, LLC
JOHN H. BARTON, III RPLS# 6737
5200 STATE HIGHWAY 121 COLLEYVILLE, TX 76034
(817) 864-1957
JACK@BCSDFW.COM
JOB NO. 2021.024.011
DRAWN: BCS
CHECKED: JHB
TABLE OF REVISIONS
DATE SUMMARY
ENGINEER
5200 State Highway 121
Colleyville, TX 76034
Phone: 817-488-4960
<u>OWNER</u> BOCKWALLECONOMIC
ROCKWALL ECONOMIC DEVELOPMENT CORPORATION
ROCKWALL ECONOMIC DEVELOPMENT CORPORATION 697 E. I.H. 30 P.O. BOX 968
ROCKWALL ECONOMIC DEVELOPMENT CORPORATION 697 E. I.H. 30
ROCKWALL ECONOMIC DEVELOPMENT CORPORATION 697 E. I.H. 30 P.O. BOX 968 ROCKWALL, TX 75087
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ROCKWALL ECONOMIC DEVELOPMENT CORPORATION 697 E. I.H. 30 P.O. BOX 968 ROCKWALL, TX 75087 PH. 972.772.0025
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ROCKWALL ECONOMIC DEVELOPMENT CORPORATION 697 E. I.H. 30 P.O. BOX 968 ROCKWALL, TX 75087 PH. 972.772.0025
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ROCKWALL ECONOMIC DEVELOPMENT CORPORATION 697 E. I.H. 30 P.O. BOX 968 ROCKWALL, TX 75087 PH. 972.772.0025
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TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: June 6, 2022

SUBJECT: P2022-024; REPLAT FOR LOT 2, BLOCK L, LAKE ROCKWALL ESTATES EAST ADDITION

Attachments Case Memo Development Application Location Map Replat Closure Report

## Summary/Background Information

Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Robbie Hale of Shepherd Place Homes, Inc. the approval of a *Replat* for Lot 2, Block L, Lake Rockwall Estates East Addition being a 0.4215-acre tract of land identified as Lots 1300 & 1301, Block A, Rockwall Lake Properties Development No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 116 Nicole Drive, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Replat*.



CITY OF ROCKWALL CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO:	Mayor and City Council
DATE:	June 6, 2022
APPLICANT:	Bart Carroll, Carroll Consulting Group, Inc.
CASE NUMBER:	P2022-024; Replat for Lot 2, Block L, Lake Rockwall Estates East Addition

# **SUMMARY**

Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Robbie Hale of Shepherd Place Homes, Inc. the approval of a <u>Replat</u> for Lot 2, Block L, Lake Rockwall Estates East Addition being a 0.4215-acre tract of land identified as Lots 1300 & 1301, Block A, Rockwall Lake Properties Development No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 116 Nicole Drive, and take any action necessary.

# PLAT INFORMATION

- ☑ The applicant is requesting the approval of a <u>Replat</u> for a 0.4215-acre tract of land (*i.e. Lots 1300 & 1301, Block A, Rockwall Lake Properties Development No. 2 Addition*) for the purpose of combining lots two (2) lots into one (1) lot (*i.e. Lot 2, Block L, Lake Rockwall Estates East Addition*).
- The subject property was platted as Lots 1300 & 1301, Block A, Rockwall Lake Properties Development No. 2 Addition on March 29, 1968. The subject property was annexed on February 17, 2009 by Ordinance No. 09-07 [Case No. A2009-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On September 21, 2009, the City Council approved a zoning change by Ordinance No. 09-37 [Case No. Z2009-008] from an Agricultural (AG) District to a Planned Development 75 (PD-75) District for the subject property. On January 4, 2016, Planned Development 75 (PD-75) District was amended by Ordinance No. 16-01 [Case No. Z2015-030]. According to Rockwall County Appraisal District, currently the subject property has a 360 SF storage building situated on it, which was built in 2007 before the City annexed the subject property in 2009.
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this <u>Replat</u> -- conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this <u>Replat</u> by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

# **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the <u>Replat</u> for the Lot 2, Block L, Lake Rockwall Estates East Addition, staff would propose the following conditions of approval:

(1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;

(2) Any construction resulting from the approval of this <u>Replat</u> shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

# PLANNING AND ZONING COMMISSION

On May 31, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the replat by a vote of 7-0.

	<b>DEVELOPMENT APPLICA</b> City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087	TION	NOTE: THE A	ZONING CASE NO. PPLICATION IS NOT CONSI HE PLANNING DIRECTOR A W. PLANNING:	DERED ACCEPTED BY THE ND CITY ENGINEER HAVE
PLEASE CHECK THE APP	PROPRIATE BOX BELOW TO INDICATE THE TYPE OF	DEVELOPME	NT REQUEST	SELECT ONLY ONE BOX	(]:
<ul> <li>□ PRELIMINARY PLA</li> <li>□ FINAL PLAT (\$300.0</li> <li>□ REPLAT (\$300.00 +</li> <li>□ AMENDING OR MIN</li> <li>□ PLAT REINSTATEN</li> <li>SITE PLAN APPLICAT</li> <li>□ SITE PLAN (\$250.00</li> </ul>	00.00 + \$15.00 ACRE) 1 AT (\$200.00 + \$15.00 ACRE) 1 00 + \$20.00 ACRE) 1 - \$20.00 ACRE) 1 NOR PLAT (\$150.00) MENT REQUEST (\$100.00) <b>TON FEES:</b>	ZONII SPEC PD DE OTHER A TREE VARIA NOTES: N DETER: PER ACRE A 3 A \$1,000.	IFIC USE PERM VELOPMENT I PPLICATION I REMOVAL (\$73 NCE REQUES MINING THE FEE, PI MOUNT, FOR REQU 20 FEE WILL BE A	200.00 + \$15.00 ACRE) <sup>1</sup> MIT (\$200.00 + \$15.00 AC PLANS (\$200.00 + \$15.00 <b>FEES:</b>	ACRE) 1 5 (\$100.00) 2 E WHEN MULTIPLYING BY THE , ROUND UP TO ONE (1) ACRE. EE FOR ANY REQUEST THAT
		PERMIT.			
PROPERTY INFOR	MATION [PLEASE PRINT]				
ADDRESS	116 Nicole Drive				
SUBDIVISION	Rockwall Lake Properties			LOT 1300R	BLOCK
GENERAL LOCATION	Northwest corner Nicole Drive and	County I	ine Road		
ZONING, SITE PLA	N AND PLATTING INFORMATION (PLEASE	PRINTI			
CURRENT ZONING		CURREN		sidential	
	PD-075	PROPOSEI		sidential	
	0.4215 acres LOTS [CURRENT]	2		LOTS [PROPOSED]	1
SITE PLANS AND PL	<u>ATS</u> : BY CHECKING THIS BOX YOU ACKNOWLEDGE THA ROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF ST	T DUE TO THE	PASSAGE OF	HB3167 THE CITY NO LON	IGER HAS FLEXIBILITY WITH
OWNER/APPLICAN	T/AGENT INFORMATION [PLEASE PRINT/CHEC	K THE PRIMAR	Y CONTACT/OR	IGINAL SIGNATURES ARE	REQUIRED]
OWNER Sh	nepherd Place Homes, Inc.		ANT Carro	II Consulting Gro	oup, Inc.
CONTACT PERSON R	obbie Hale C	ONTACT PER	SON Bart	Carroll	
ADDRESS 1	0527 Church Road, Suite 201	ADDR	ESS P.O.	Box 11	
CITY, STATE & ZIP D	allas, TX 75238	CITY, STATE 8	ZIP Lavo	n, TX 75166	
	72-475-1100			742-4411	
E-MAIL C	jones@robbiehalehomes.com	E-f	/AIL		
	TION [REQUIRED] NED AUTHORITY, ON THIS DAY PERSONALLY APPEARED_ ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FO	DLLOWING:		[OWNER]	THE UNDERSIGNED, WHO
\$ INFORMATION CONTAINED W	THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL I , TO COVER THE COST OF THIS APPLICATION, HAS E , 20 BY SIGNING THIS APPLICATION, I AGREE ITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS AL WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCI	BEEN PAID TO TH THAT THE CITY SO AUTHORIZE	HE CITY OF ROCH OF ROCKWALL ( ED AND PERMIT	WALL ON THIS THE I.E. "CITY") IS AUTHORIZED ED TO REPRODUCE ANY	DAY OF AND PERMITTED TO PROVIDE COPYRIGHTED INFORMATION
GIVEN UNDER MY HAND AND	D SEAL OF OFFICE ON THIS THE DAY OF		20		
	OWNER'S SIGNATURE				
NOTARY PUBLIC IN AND FOR	R THE STATE OF TEXAS		-9 <sup>6</sup>	MY COMMISSION EXPIRES	

DEVELOPMENT APPLICATION + OTY OF ROTAWALL + 385 SOUTH GOLIAD STREET + ROCK MALL, TX 73087 + (P) (972) 771 2745





# City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com 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.





 Located in the City of Rockwall, Texas
 It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, as required under Ordinance 83-54.

3. Property owner shall be responsible for maintaining, repairing, and replacing all systems within the drainage and detention easements. 4. Bearings based on the east line of Rockwall Lake Properties, Cabinet

A. Slide 79 (S00'30'00"W) 5. State plain coordinates based on NAD 83, Texas North Central 4202, US Survey Feet.

Notice: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

# FLOOD NOTE:

According to my interpretations of Community Panel No. 48397C0040L, dated September 26, 2008, of the National Flood Insurance Rate Maps for Rockwall County, Texas, a portion of the subject property lies within Zone "A" (special flood hazard areas subject to inundation by the 1% annual chance flood; no base flood elevations determined) and a portion lies within Zone "X" and is not shown to be within a special flood hazard area. This statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.



## STATE OF TEXAS COUNTY OF ROCKWALL

Whereas, Shepherd Place Homes, Inc., is the owner of a tract of land situated in the Glover Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, and being all of Lot 1300 and Lot 1301 of Rockwall Lake Properties, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet A, Slide 79, Plat Records, Rockwall County, Texas and as conveyed to Shepherd Place Homes, Inc. by deed recorded in Volume 5172, Page 121, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron pin found with yellow cap stamped "CCG INC RPLS 5129" at the intersection of the north right-of-way line of County Line Road (40' R.O.W.) and the west right-of-way line of Nicole Drive (50' R.O.W.) (a.k.a. Kimberly Drive) and for the southeast corner of said Lot 1300;

Thence, North 89'42'53" West, along the north right-of-way line of said County Line Road and the south line of said Lot 1300, a distance of 120,00 feet to a  $1/2^{"}$  iron pin found with yellow cap stamped "CCG INC RPLS 5129" for the southwest corner of said Lot 1300 and the southeast corner of Lot 1299 of said Rockwall Lake Properties;

Thence, North 00'30'00" East, along the west lines of said Lots 1300 and 1301, the east line of said Lot 1299 and the east line of Lot 1298 of said Rockwall Lake Properties, a distance of 153.25 feet to a 1/2'' iron pin found for the northwest corner of said Lot 1301, the northeast corner of said Lot 1298, the southeast corner of Lot 1297 and the southwest corner of Lot 1302 of said Rockwall Lake Properties;

Thence. South 89.30'00" East, along the north line of said Lot 1301 and the south line of said 1 of 1302, a distance of 120.00 feet to a 1/2" iron pin set with yellow cap (4) The developer and subdivision engineer shall bear total responsibility for storm drain stamped "CCG INC RPLS 5129" on the west right-of-way line of said Nicole Drive and improvements. for the northeast corner of said Lot 1301 and the southeast corner of said Lot 1302:

(5) The developer shall be responsible for the necessary facilities to provide drainage Thence, South 00'30'00" West, along the west right-of-way line of said Nicole Drive and patterns and drainage controls such that properties within the drainage area are not the east lines of said Lots 1300 and 1301, a distance of 152.80 feet to the Point of adversely affected by storm drainage from the development. Beginning and containing 18,363 square feet or 0.4215 acres of land.

WITNESS, my hand, this the \_\_\_\_ day of \_\_\_\_\_, 2022.

Shepherd Place Homes, Inc., Owner By: Robbie Lee Hale, V.P.

STATE OF TEXAS COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this date personally appeared Robbie Lee Hale, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for purpose and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_ DAY OF \_\_\_\_\_. 2022.

Notary Public for the State of Texas My Commission expires \_\_\_\_\_

## APPROVED

Planning and Zoning Commission Chairman Date

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall. County. Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor, City of Rockwall

City Secretary

# OWNER'S CERTIFICATE

### SURVEYOR CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, James Bart Carroll, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon as set were properly placed under my persona supervision.

James Bart Carroll Texas Registered Professional Land Surveyor No. 5129 NOW. THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS COUNTY OF ROCKWALL

I, the undersigned owner of the land shown on this plat, and designated herein as ROCKWALL LAKE PROPERTIES LOT 1300R, a subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the ROCKWALL LAKE PROPERTIES LOT 1300R subdivision have been notified and signed this plat. I understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I also understand the followina:

(1) No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.

(2) Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.

(3) The City and County of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.

(6) No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Rules and Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and autter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications required by the Interlocal Cooperation Agreement for Subdivision Regulation in the Extraterritorial Jurisdiction of a Municipality entered into by the City and County of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the County's chosen engineer and/or County Administrator, computed on a private commercial rate basis, has been made with the County, accompanied by an agreement signed by the developer and/or owner, authoring the City and County to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements with the time stated in such written agreement, but in no case shall the City of County by obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the City and County, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the County in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the Commissioner's Court of Rockwall County.

I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the County; I, my successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exactions made herein.

REPLAT

# ROCKWALL LAKE PROPERTIES LOT 1300R

Being a replat of Lots 1300 and 1301 of Rockwall Lake Properties Cabinet A, Slide 79, P.R.R.C.T. Glover Wells Survey, Abstract No. 219 City of Rockwall, Rockwall County, Texas

THE PURPOSE OF THIS PLAT IS TO COMBINE TWO LOTS INTO ONE LOT.

Case No.:

ALE	
)	60

OWNER:
SHEPHERD PLACE HOMES, INC.
10527 CHURCH RD, SUITE 201
DALLAS, TEXAS 75238
(972) 475-1100

CARROLL CONSULTING GROUP, INC. P.O. BOX 11 972-742-4411 TBPELS REGISTRATION NO.: F-21608 LAVON, TEXAS 75166 TEXAS FIRM REGISTRATION NO.: 10007200 JOB No. SCALE: DATE PREPARED: DRAWN BY: 3077-22 1"=30' MAY 5, 2022 C**81** 

# BOUNDARY CLOSURE REPORT ROCKWALL LAKE PROPERTIES LOT 1300R

North: 7009384.7091' East: 2599203.1577'

Segment #1 : Line

Course: N89° 42' 53.49"W Length: 120.001' North: 7009385.3063' East: 2599083.1582'

Segment #2 : Line

Course: N0° 30' 00.00"E Length: 153.250' North: 7009538.5505' East: 2599084.4955'

Segment #3 : Line

Course: S89° 30' 00.00"E Length: 120.000' North: 7009537.5033' East: 2599204.4910'

Segment #4 : Line

Course: S0° 30' 00.00"W Length: 152.800' North: 7009384.7091' East: 2599203.1575'

Perimeter: 546.051' Area: 18363.00 Sq. Ft. Error Closure: 0.0002 Course: N89° 50' 35.70"W Error North: 0.00000 East: -0.00016

Precision 1: 2730255.000



TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: June 6, 2022

SUBJECT: P2022-026; REPLAT FOR LOT 2, BLOCK 1, VALK ROCKWALL ADDITION

Attachments Case Memo Development Application Location Map Replat Closure Report

# Summary/Background Information

Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates of PS LPT Properties Investors for the approval of a *Replat* for Lot 2, Block 1, Valk Rockwall Addition being a 4.264-acre parcel of land identified as Lot 2, Block 1, Valk Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 4028 N. Goliad Street [*SH-205*], and take any action necessary.

## Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Replat*.



CITY OF ROCKWALL CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO:	Mayor and City Council
DATE:	June 6, 2022
APPLICANT:	Trey Braswell, Kimley-Horn.
CASE NUMBER:	P2022-026; Replat for Lot 2, Block 1, Valk Rockwall Addition

# **SUMMARY**

Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates of PS LPT Properties Investors for the approval of a <u>Replat</u> for Lot 2, Block 1, Valk Rockwall Addition being a 4.264-acre parcel of land identified as Lot 2, Block 1, Valk Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 4028 N. Goliad Street [SH-205], and take any action necessary.

# PLAT INFORMATION

- ☑ The applicant is requesting the approval of a <u>Replat</u> of a 4.264-acre parcel of land (*i.e. Lot 2, Block 1, Valk Rockwall Addition*) for the purpose of establishing easements necessary to facilitate the development of the property south of the subject property.
- ☑ The *Mini-Warehouse Facility* on the subject property was established through a 212 Development Agreement allowing the property to remain in the City's Extraterritorial Jurisdiction (ETJ) until December 9, 2017. The subject property was annexed into the City of Rockwall on March 19, 2018 by *Ordinance No. 18-17* [*Case No. A2018-001*]. At the time of annexation, the property was zoned Agricultural (AG) District and has remained zoned Agricultural (AG) District since its annexation.
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this <u>Replat</u> -- conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☑ Conditional approval of this <u>Replat</u> by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

## **CONDITIONS OF APPROVAL**

If the City Council chooses to approve the <u>Replat</u> for the Lot 2, Block 1, Valk Rockwall Addition, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;
- (2) Any construction resulting from the approval of this <u>Replat</u> shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

# PLANNING AND ZONING COMMISSION

On May 31, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the replat by a vote of 7-0.

	DEVELOPMENT APPLICA City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087		PLAI <u>NOT</u> CITY SIGN DIRE CITY	FF USE ONLY			
	PPROPRIATE BOX BELOW TO INDICATE THE TYPE O						
PRELIMINARY P FINAL PLAT (\$30 REPLAT (\$300.00 AMENDING OR	\$100.00 + \$15.00 ACRE) <sup>1</sup> LAT (\$200.00 + \$15.00 ACRE) <sup>1</sup> )0.00 + \$20.00 ACRE) <sup>1</sup>	☐ ZONI ☐ SPEC ☐ PD DE OTHER A ☐ TREE	ZONING APPLICATION FEES:         ZONING CHANGE (\$200.00 + \$15.00 ACRE) 1         SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) 1         PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) 1         OTHER APPLICATION FEES:         TREE REMOVAL (\$75.00)         VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) 2				
	ATION FEES: 0.00 + \$20.00 ACRE) <sup>1</sup> PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)	PER ACRE A 2: A <u>\$1,000</u> .	MOUNT.	THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE. WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT JCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING			
PROPERTY INFO	RMATION [PLEASE PRINT]		, Er				
ADDRESS	4028 N STATE HIGHWAY 205						
SUBDIVISION	VALK ROCKWALL ADDITION			LOT 1 BLOCK 1			
GENERAL LOCATION	EAST SIDE OF SH205, APPROX	. 450' NOF	RTH	OF SHENANDOAH LANE			
ZONING, SITE PL	AN AND PLATTING INFORMATION [PLEAS	SE PRINT]					
	COMMERCIAL	CURREN	IT USE	SELF STORAGE			
PROPOSED ZONING	COMMERCIAL	PROPOSE	D USE	SELF STORAGE			
ACREAGE	4.3 ACRES LOTS [CURRENT	]	1	LOTS [PROPOSED] 1			
REGARD TO ITS A	PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE T PPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF ENIAL OF YOUR CASE.	HAT DUE TO TH STAFF'S COMME	E PASS NTS BY	AGE OF <u>HB3167</u> THE CITY NO LONGER HAS FLEXIBILITY WITH 7 THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL			
OWNER/APPLICA	ANT/AGENT INFORMATION [PLEASE PRINT/CH	ECK THE PRIMA	RY CON	ITACT/ORIGINAL SIGNATURES ARE REQUIRED]			
	PS LPT PROPERTIES INVESTORS	🗹 APPLIC	CANT	KIMLEY-HORN			
CONTACT PERSON	JARROD YATES	CONTACT PER	RSON	TREY BRASWELL			
ADDRESS	701 WESTERN AVENUE	ADDF	RESS	100 W. OAK ST., SUITE 203			
CITY, STATE & ZIP	GLENDALE, CA 91201	CITY, STATE	& ZIP	DENTON, TEXAS 76201			
PHONE	972-546-0375	PH	IONE	940-387-3620			
E-MAIL ,	JYATES@PUBLICSTORAGE.COM	E-	MAIL	trey.braswell@kimley-horn.com			
NOTARY VERIFIC BEFORE ME, THE UNDER STATED THE INFORMATIC	CATION [REQUIRED] SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARE ON ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE	D Jarrac	y Yc	THE UNDERSIGNED, WHO			
S 3 5 5 2 2 INFORMATION CONTAINED SUBMITTED IN CONJUNCTI	, TO COVER THE COST OF THIS APPLICATION, HA , 2022, BY SIGNING THIS APPLICATION, I AGRI WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ON WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSO	AS BEEN PAID TO T EE THAT THE CITY S ALSO AUTHORIZ OCIATED OR IN RE	HE CIT OF RO ED ANI	CKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE			
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE Y DAY OF MAY, 20 22 OWNER'S SIGNATURE							
NOTARY PUBLIC IN AND F	FOR THE STATE OF TEXAS E. F. Jtoll	ies		MY COMMISSION EXPIRES 11-10-2025			
DE	VELOPMENT APPLICATION . CITY OF ROCKWALL . 385 SC	OUTH GOLIAD STI	REET .	ROCKWALL, TX 75087 • [P] (972) 771-7745			





# City of Rockwall Planning & Zoning Department 385 S. Goliad Street

Planning & Zoning Departm 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com 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.





### STATE OF TEXAS

## COUNTY OF ROCKWALL §

- 8

**BEING** a tract of land situated in the Joseph Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas and being all of Lot 1, Block 1 of Valk Rockwall Addition, an addition to the Cirty of Rockwall, Texas, as recorded in Cabinet I, Page 11 of the Plat Records of Rockwall County, Texas and in Instrument No. 20140000003303 of the Official Public Records of Rockwall County, Texas, same being a called 4.2640-acre tract of land described in a deed to PS LPT Properties Investors, as recorded in Instrument No. 20170000023365 of the Official Public Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron rod found for the southwest corner of said 4.264-acre tract, said point being in the easterly right-of-way line of North Goliad Street (also known as State Highway 205)(a 100-foot wide public right-of-way), same being the northwest corner of a called 2.081-acre tract of land described in a deed to PS LPT Properties Investors, as recorded in Instrument No. 20210000031763, of said Official Public Records;

**THENCE** North 21°15'05" West, along the easterly line of North Goliad Street, and along the westerly line of said 4.264-acre tract, a distance of 179.94 feet to a point at the beginning of a non-tangent curve to the right with a radius of 2,781.68 feet, having a central angle of 01°58'18", and a chord bearing and distance of North 20°16'17" West, 95.72 feet;

**THENCE** in a northwesterly direction, along said curve to the right, and along the easterly line of North Goliad Street, an arc distance of 95.73 feet, to a 3/8-inch iron rod found for the northwest corner of said 4.264-acre tract, common to said easterly 100-foot-wide right-of-way line, same being for the southwest corner of a called 5.55-acre tract of land described in a deed to Brian Hugeback, as recorded in Instrument No. 20190000011336, of said Official Public Records;

**THENCE** North 89°06'33" East, departing the easterly line of North Goliad Street and the westerly line of said 4.264-acre tract of land, a distance of 764.32 feet, along the northerly line of said 4.264-acre tract, and along the southerly line of said 5.55-acre tract, to a 1/2-inch iron rod found for the northeast corner of said 4.264-acre tract, same being for the southeast corner of said 5.55-acre tract, common to the westerly line of a called 69.22-acre tract of land described in a deed to Shennendoah Real Estate Partners, L.P., as recorded in Volume 3351, Page 114, of said Official Public Records;

**THENCE** South 01°03'12" East, departing the northerly line of said 4.264-acre tract and the southerly line of said 5.55-acre tract, a distance of 258.59 feet along the westerly line of said 69.22-acre tract, and the easterly line of said 4.264-acre tract, to a 5/8"-inch iron rod with red cap stamped "KHA" set for the southwest corner of said 4.264 acre tract;

**THENCE** South 89°04'28" West, departing the westerly line of said 69.22-acre tract, and the westerly line of said 4.264-acre tract, along the northerly line of said 2.081-acre tract and the southerly line of said 4.264-acre tract, a distance of 670.68 feet to the **POINT OF BEGINNING** and containing 4.264 acres (185,738 sq. ft.) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: STATE OF TEXAS

COUNTY OF ROCKWALL

We, PS LPT PROPERTIES INVESTORS, the undersigned owner of the land shown on this plat, and designated herein as the VALK ROCKWALL ADDITION, LOT 1R, BLOCK 1 to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown on the purpose and consideration therein expressed, except those created by separate instrument, which are governed by the terms of such separate instruments. We further certify that all other parties who have a mortgage or lien interest in the VALK ROCKWALL ADDITION, LOT 1R, BLOCK 1 have been notified and signed this plat. We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same, except those created by separate instrument, which are governed by the terms of such separate instruments. We also understand the following;

1. No buildings shall be constructed or placed upon, over, or across the utility easements created hereby.

- 2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of the easement strips created hereby; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
- 3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- 4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
- 5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- 6. The owners of the land dedicated by this plat reserve the right to use and enjoy the surface of all easement areas for all purposes that do not interfere with the use of said easement areas for utilities; including but not limited to the right to place surfacing materials over and across the easement areas and to use the same for parking areas, driveways, walkways, sidewalks, landscaping and/or lighting.
- 7. The location of easements shown hereon that are granted by separate instrument are approximate and such easements and their location are governed by the terms, provisions and conditions of the separate instrument.
- 8. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself.

Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

We further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; We, our successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication of exactions made herein.
 By: PS LPT PROPERTIES INVESTORS, a Maryland real estate investment trust

Ву: \_\_\_\_\_

§

STATE OF TEXAS

COUNTY OF ROCKWALL §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared \_\_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

Notary Public in and for the State of Texas

### SURVEYOR'S STATEMENT

I, Michael B. Marx, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors.

Dated this the \_\_\_\_day of \_\_\_\_\_, 2022.

MICHAEL B. MARX REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5181 6160 WARREN PKWY., SUITE 210 FRISCO, TEXAS 75034 PH. (972) 335-3580 michael.marx@kimley-horn.com

	RECOMMENDED FOR FINAL	APPROVAL
Planning & Zoning Commission, Chair	man Date	
APPROVED:		
I hereby certify that the above and fore Rockwall on the day of,		wall, Texas, was approved by the City Council of the City of
	e approved plat for such addition is record ) days from said date of final approval.	ed in the office of the County Clerk of Rockwall, County,
WITNESS OUR HANDS, this	day of, 2022.	
 Mayor, City of Rockwall	City Secretary	City Engineer

Frisco, Texas 75034

Drawn by

MBM

Scale

N/A



BEING A REPLAT OF LOT 1, BLOCK 1, VALK ROCKWALL ADDITION AND BEING 4.264 ACRES SITUATED IN THE JOSEPH STRICKLAND SURVEY, ABSTRACT NO. 187 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

FIRM # 10193822

Date

4/6/2022

Checked by

KHA

Fel. No. (972) 335-3580

Sheet No.

2 OF 2

Fax No. (972) 335-3779

Project No.

069319643

OWNER: PS LPT Properties Investors 701 Western Ave. Glendale, California 91201 Phone: 972-546-0375 Contact: Jarrod Yates

APPLICANT: Kimley-Horn and Associates, Inc. 100 W. Oak St., Suite 203 Denton, Texas 76201 Phone: 940-387-3620 Contact: Trey Braswell, P.E.

# **Parcel Map Check Report**

## **Client:**

Client Kimley-Horn and Associates, Inc. Address 1 Date: 5/19/2022 5:08:37 PM Prepared by: Preparer Your Company Name 123 Main Street

Parcel Name: Site - LOT 2	
Description:	· · · · P. I. ·
Process segment order counterclockw Enable mapcheck across chord: False	ise: Faise
North:7,043,517.6353'	East:2,592,655.5472'
Norm.7,045,517.0555	East.2,392,033.3472
Segment# 1: Line	
Course: N21°15'05''W	Length: 179.94'
North: 7,043,685.3392'	East: 2,592,590.3261'
Segment# 2: Curve	
Length: 95.73'	Radius: 2,781.68'
Delta: 1°58'18"	Tangent: 47.87'
Chord: 95.72'	Course: N20°16'17"W
Course In: N68°44'34"E	Course Out: S70°42'52"W
RP North: 7,044,693.8527'	East: 2,595,182.7466'
End North: 7,043,775.1293'	East: 2,592,557.1627'
Segment# 3: Line	
Course: N89°06'33"E	Length: 764.32'
North: 7,043,787.0124'	East: 2,593,321.3903'
Segment# 4: Line	
Course: S1°03'12"E	Length: 258.59'
North: 7,043,528.4661'	East: 2,593,326.1440'
Segment# 5: Line	
Course: S89°04'28"W	Length: 670.68'
North: 7,043,517.6324'	East: 2,592,655.5515'
Perimeter: 1,969.27'	Area: 185,870.97Sq.Ft.
Error Closure: 0.0051	Course: S55°54'40"E
Error North : -0.00288	East: 0.00426
Precision 1: 386,129.41	



City of Rockwall The New Havizon

# MEMORANDUM

TO: City Council

FROM: Joey Boyd, Assistant City Manager

DATE: May 23, 2022

SUBJECT: Oncor Electric Delivery Rate Request – Suspension Resolution

# **PURPOSE**

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The resolution suspends the June 17, 2022 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

# **DISCUSSION**

The City of Rockwall is a member of a 169-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the

Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

Although Oncor has increased rates many times over the past few years, this is the first comprehensive base rate case for the Company since March 2017.

# Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by June 17, 2022.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

## CITY OF ROCKWALL, TEXAS

### RESOLUTION NO. 22-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Rockwall a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and

WHEREAS, the City of Rockwall is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

**SECTION 1.** That the June 17, 2022 effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

**SECTION 2.** That, as indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

**SECTION 3.** That the City's reasonable rate case expenses shall be reimbursed by Oncor.

**SECTION 4.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 5.** That a copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS  $6^{TH}$  DAY OF JUNE, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary



TO:Mary Smith, City ManagerCC:Honorable Mayor and City CouncilFROM:Amy Williams, P.E., Director of Public Works/City EngineerDATE:June 6, 2022SUBJECT:EIGHT INCH WATER LINE RELOCATION

# Attachments

# Summary/Background Information

During the construction of a swimming pool at 105 South Hampton Drive, an eight (8) inch public water line was uncovered. The resident contacted the Water Department to seek assistance. During the investigation, it was discovered that the water line was installed in 1983. This water line was constructed as an off-site improvement for The Meadows Subdivision, and the easement for this utility was found to be incorrect when it was filed in 1983. The water line is in conflict with the resident's swimming pool and needs to be relocated into the City right-of-way so construction can continue.

Staff has contacted Double R Utilities, Inc. to relocate the eight (8) inch water line. The cost of the above water line is \$62,121.00, which exceeds the City's competitive sealed bid threshold. According to *Local Government Code Chapter 252, Section 252.022, General Exceptions to the Competitive Bid Process; Item (2), "…* a procurement necessary to preserve or protect the public health or safety of the municipality's residents …" may be used to justify the relocation made to the water line.

Based on this, staff is requesting the City Council consider approving the water line relocation project in the amount of \$62,121.00 to be funded out of the Water and Sewer Fund.

Action Needed



TO: Mary Smith, City Manager
 CC: Honorable Mayor and City Council
 FROM: Amy Williams, P.E., Director of Public Works/City Engineer
 DATE: June 6, 2022
 SUBJECT: 780 ZONE IH-30 WATER LINE CROSSINGS €" CONSTRUCTION CONTRACT

Attachments Map Engineer's Letter Bid Tabulation

# Summary/Background Information

The City of Rockwall's water distribution system is currently broken up in to two (2) pressure zones, the 700 Zone to the west and the 780 Zone to the east. The current dividing line between these two (2) pressure zones is John King Boulevard, which divides east and west and then Interstate 30 (IH-30) that divides north and south pressure zone. The City's current Water Master Plan, which was last updated in October 2019, recommends extending the 780 Zone north of IH-30 by providing two (2), 16-inch water line crossings. As shown in the attached map, these two (2) waterline crossings will be located along IH-30 at John King Blvd and at FM-3549/Corporate Crossing. This extension of the 780 Zone north of IH-30 will allow for the properties that are located at a higher elevation to be served with more reliable pressures, and allow for the future water demand to support development north along the IH-30 corridor.

The City currently has a contract with Birkhoff, Hendricks and Carter, LLP to provide the engineering design and specifications for the project. Staff received seven (7) bids for this construction project through the bidding process, which opened up on May 17, 2022. The low bidder was Wilson Contractor Services, LLC with a bid of \$1,140,072.61. The engineering consultants have verified the references for FM Utilities, LLC and provided a letter of recommendation.

Staff requests the City Council consider approving the construction contract for the 780 Zone *IH-30 Water Line Crossings Project*, and authorize the City Manager to execute a contract with Wilson Contractor Services, LLC, in an amount of \$1,140,072.61 to be paid for out of the *Water/Sewer Funds*, and take any action necessary.

Action Needed



# **BIRKHOFF, HENDRICKS & CARTER, L.L.P. PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E. GARY C. HENDRICKS, P.E., R.P.L.S. JOE R. CARTER, P.E. MATT HICKEY, P.E. ANDREW MATA, IR., P.E. DEREK B. CHANEY, P.E., R.P.L.S. CRAIG M. KERKHOFF, P.E. JUSTIN R. IVY, P.E.

May 24, 2022

Mr. Jeremy White, P.E., C.F.M. Assistant City Engineer City of Rockwall 385 S. Goliad Street Rockwall, Texas 75087

Re: 780 Zone I.H. 30 Water Crossings CIP No. 2021-001

Dear Mr. White:

Sealed bids were received at 2:00 p.m., Tuesday, May 17, 2022, for the 780 Zone I.H. 30 Water Crossings project. Seven contractors submitted bids. We are enclosing one copy of the bid tabulation for your use. The apparent low bidder was Wilson Contractor Services, LLC in the amount of \$1,140,072.61. Wilson had one irregularity in their bid on pay item 14 where the unit price was not presented correctly. Once the correction was agreed to by the contractor in writing and completed, Wilson's revised bid was in the amount of \$1,140,070.99. Correction of the irregularity reduced Wilson's bid by \$1.62.

We have reviewed Wilson's statement of qualifications and references provided and find that Wilson Contractor Services has a record of satisfactorily completing projects similar to this project for the Cities of Aubrey, Lewisville, Waxahachie and Wylie including projects designed by our firm.

Based on the contractor's information provided to us, it is recommended City Council accept the bid from Wilson Contractor Services, LLC, and award them a construction contract in the amount of \$1,140,070.99 for the 780 Zone I.H. 30 Water Crossings project.

We are available to discuss our recommendation further at your convenience.

Sincerely,

Matt Hickey, P.E.

Enclosures

Project:	TABULATION OF BIDS         Date:       May 18, 2022         ject:       City of Rockwall       BIRKHOFF, HENDRICKS & CARTER, L.L.P.         780 Zone I.H. 30 Water Line Crossings       PROFESSIONAL ENGINEERS Dallas, Texas				BID OF Wilson Contractor Services, LLC 3985 Mingo Road Denton, Texas 76208 A.A. Martinez 940-243-1174 tony@wilsoncontractorservices.com		BID OF Hayes Construction, LLC 409 Waters Edge Way Murphy, Texas 75094 Lara Jackson 972-658-2605 lara@hayesconstruction.org		<u>BID OF</u> Blackrock Construction 1475 Heritage Parkway #113 Mansfield, Texas 76063 Donny Gamblin 817-592-3953 donny@blackrockconstructiontx.com		BID OF A & B Construction, LLC 3001 Sale Street, Suite 117 Dallas, Texas 75219 Ann Carpenter 469-422-5429 estimating@aandbconstruction.us	
Item No.	Approximate Quantities	Unit	Description	Unit Bid Price	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension	
1	1	L.S.	For Mobilization, Bonds, Insurance and Shop Drawings (max 5% of contract)	\$50,447.00	\$ 50,447.	\$55,000.00	\$ 55,000.00	\$75,000.00	\$ 75,000.00	\$74,000.00	\$ 74,000.00	
2	685	L.F.	Furnish and Install 16" Water Line with 28" Steel Encasement (1/4" Thick) by Dry Bore	\$808.87	\$ 554,075.	\$900.00	\$ 616,500.00	\$845.00	\$ 578,825.00	\$810.00	\$ 554,850.00	
3	142	L.F.	Furnish and Install 16" Water Line by Open Cut, Including Embedment and All Fittings	\$393.07	\$ 55,815.	\$400.00	\$ 56,800.00	\$1,000.00	\$ 142,000.00	\$500.00	\$ 71,000.00	
4	12	Ea.	Furnish & Install 16" Butterfly Valve (See Note 3 on Bid Schedule Summary)	\$24,630.00	\$ 295,560.	\$16,000.00	\$ 192,000.00	\$34,300.00	\$ 411,600.00	\$56,000.00	\$ 672,000.00	
5	4	Ea.	Cut in 16" X 16" Tee		\$ 26,680.	\$12,000.00	\$ 48,000.00	\$6,050.00	\$ 24,200.00	\$7,000.00	\$ 28,000.00	
6	4	Ea.	Connect to Existing 16" PVC Water Line		\$ 8,800.	\$5,500.00	\$ 22,000.00	\$3,495.00	\$ 13,980.00	\$4,000.00	\$ 16,000.00	
7	1	Ea.	Cut and Plug Existing 16" Water Line		\$ 3,750.	\$2,500.00	\$ 2,500.00	\$3,475.00	\$ 3,475.00	\$8,000.00	\$ 8,000.00	
8	1	Ea.	Cut and Plug Existing 12" Water Line		\$ 5,250.	\$2,250.00	\$ 2,250.00	\$2,445.00	\$ 2,445.00	\$4,000.00	\$ 4,000.00	
9	175	SY	Remove & Replace Existing 5-ft Wide Sidewalk	\$138.10	\$ 24,167.	50 \$180.00	\$ 31,500.00	\$130.00	\$ 22,750.00	\$95.00	\$ 16,625.00	
10	2	Ea.	Furnish & Install Type I 2" Blow Off in Meter Box	\$3,127.00	\$ 6,254.	\$3,700.00	\$ 7,400.00	\$6,400.00	\$ 12,800.00	\$6,000.00	\$ 12,000.00	
11	1	L.S.	Furnish, Place, Water and Fertilize Solid Sod on 6-inches of Top Soil	\$12,372.22	\$ 12,372.	\$10,000.00	\$ 10,000.00	\$20,750.00	\$ 20,750.00	\$6,000.00	\$ 6,000.00	
12	1	L.S.	Furnish, Install, Maintain and Remove Erosion Control Devices	\$2,600.00	\$ 2,600.	\$4,500.00	\$ 4,500.00	\$7,500.00	\$ 7,500.00	\$3,000.00	\$ 3,000.00	
13	1	LS	Furnish Trench Safety Plan	\$800.00	\$ 800.	\$1,250.00	\$ 1,250.00	\$11,165.00	\$ 11,165.00	\$1,000.00	\$ 1,000.00	
14	442	L.F.	Implement Trench Safety Plan, Including shoring at Bore Pits	\$3.39	\$ 1,498.	\$70.00	\$ 30,940.00	\$5.00	\$ 2,210.00	\$3.00	\$ 1,326.00	
15	1	LS	Furnish Traffic Control Plan		\$ 10,600.	\$750.00	\$ 750.00	\$12,500.00	\$ 12,500.00	\$2,000.00	\$ 2,000.00	
16	1	LS	Implement Traffic Control Plan		\$ 3,200.	\$4,500.00	\$ 4,500.00	\$8,735.00	\$ 8,735.00	\$15,000.00	\$ 15,000.00	
			SUBTOTAL BASE BID		\$ 1,061,870.	99	\$ 1,085,890.00		\$ 1,349,935.00		\$ 1,484,801.00	
100	0	0	Construction Contingency (See Note 1 on Bid Summary Sheet)	\$78,200.00	\$ 78,200.	\$78,200.00	\$ 78,200.00	\$78,200.00	\$ 78,200.00		\$ 78,200.00	
			TOTAL (Base Bid and Construction Contingency)		\$ 1,140,070.	99	\$ 1,164,090.00		\$ 1,428,135.00		\$ 1,563,001.00	

This contractor filled out their own proposal form and entered Item 14 as one (1) lump sum instead of the proposed 442 L.F. CITY ALLOWED GC TO CORRECT ERROR. UPDATED 5-24-22

This contractor did not fill out the unit prices in words on the proposal form

3	TABULATION OF       BIDS         Date:       May 18, 2022         Sity of Rockwall       BIRKHOFF, HENDRICKS & CARTER, L.L.P.         80 Zone I.H. 30 Water Line Crossings       PROFESSIONAL ENGINEERS Dallas, Texas		BID OF Atkins Bros. Equipment Co., Inc. P.O. Box 990 Midlothian, Texas 76065 Mike Atkins 972-775-7955 satkins@ectisp.net			BID OF Canary Construction, Inc. 820 North Kealy Ave., Ste. 101 Lewisville, Texas 75057 Wayne Borstad 469-464-3823 wayne@canaryconstruction.com		BID OF FM Utilities, LLC 4911 Redbird Trail Midlothian, Texas 76065 Francisco Mata 469-716-3697 francisco@fm-utilities.com		
Item No.	Approximate Quantities	Unit	Description	Unit Bid Price	]	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension
1	1	L.S.	For Mobilization, Bonds, Insurance and Shop Drawings (max 5% of contract)	\$10,000.00	\$	10,000.00	\$75,000.00	\$ 75,000.00	\$92,020.75	\$ 92,020.75
2	685	L.F.	Furnish and Install 16" Water Line with 28" Steel Encasement (1/4" Thick) by Dry Bore	\$1,300.00	\$	890,500.00	\$1,500.00	\$ 1,027,500.00	\$1,200.00	\$ 822,000.00
3	142	L.F.	Furnish and Install 16" Water Line by Open Cut, Including Embedment and All Fittings	\$400.00	\$	56,800.00	\$550.00	\$ 78,100.00	\$845.00	\$ 119,990.00
4	12	Ea.	Furnish & Install 16" Butterfly Valve (See Note 3 on Bid Schedule Summary)	\$31,000.00	\$	372,000.00	\$35,000.00	\$ 420,000.00	\$51,100.00	\$ 613,200.00
5	4	Ea.	Cut in 16" X 16" Tee	\$10,000.00	\$	40,000.00	\$8,000.00	\$ 32,000.00	\$14,500.00	\$ 58,000.00
6	4	Ea.	Connect to Existing 16" PVC Water Line	\$15,000.00	\$	60,000.00	\$21,000.00	\$ 84,000.00	\$20,000.00	\$ 80,000.00
7	1	Ea.	Cut and Plug Existing 16" Water Line	\$8,000.00	\$	8,000.00	\$3,000.00	\$ 3,000.00	\$7,500.00	\$ 7,500.00
8	1	Ea.	Cut and Plug Existing 12" Water Line	\$7,000.00	\$	7,000.00	\$2,000.00	\$ 2,000.00	\$4,500.00	\$ 4,500.00
9	175	SY	Remove & Replace Existing 5-ft Wide Sidewalk	\$200.00	\$	35,000.00	\$150.00	\$ 26,250.00	\$135.00	\$ 23,625.00
10	2	Ea.	Furnish & Install Type I 2" Blow Off in Meter Box	\$15,000.00	\$	30,000.00	\$6,800.00	\$ 13,600.00	\$5,000.00	\$ 10,000.00
11	1	L.S.	Furnish, Place, Water and Fertilize Solid Sod on 6-inches of Top Soil	\$14,000.00	\$	14,000.00	\$10,000.00	\$ 10,000.00	\$20,000.00	\$ 20,000.00
12	1	L.S.	Furnish, Install, Maintain and Remove Erosion Control Devices	\$10,000.00	\$	10,000.00	\$2,900.00	\$ 2,900.00	\$40,000.00	\$ 40,000.00
13	1	LS	Furnish Trench Safety Plan	\$2,000.00	\$	2,000.00	\$950.00	\$ 950.00	\$2,500.00	\$ 2,500.00
14	442	L.F.	Implement Trench Safety Plan, Including shoring at Bore Pits	\$20.00	\$	8,840.00	\$55.00	\$ 24,310.00	\$50.00	\$ 22,100.00
15	1	LS	Furnish Traffic Control Plan	\$2,000.00	\$	2,000.00	\$850.00	\$ 850.00	\$14,500.00	\$ 14,500.00
16	1	LS	Implement Traffic Control Plan	\$15,000.00	\$	15,000.00	\$5,000.00	\$ 5,000.00	\$2,500.00	\$ 2,500.00
			SUBTOTAL BASE BID		\$	1,561,140.00		\$ 1,805,460.00		\$ 1,932,435.75
100	0	0	Construction Contingency (See Note 1 on Bid Summary Sheet)	\$78,200.00	\$	78,200.00	\$78,200.00	\$ 78,200.00	\$78,200.00	\$ 78,200.00
			TOTAL (Base Bid and Construction Contingency)		\$	1,639,340.00		\$ 1,883,660.00		\$ 2,010,635.75

This contractor filled out their own proposal form and entered Item 14 as one (1) lump sum instead of the proposed 442 L. CITY ALLOWED GC TO CORRECT ERROR. UPDATED 5-24-22

This contractor did not fill out the unit prices in words on the proposal form



TO:Mary Smith, City ManagerCC:Honorable Mayor and City CouncilFROM:Lea Ann Ewing, Purchasing AgentDATE:June 6, 2022SUBJECT:BID AWARD FOR NEW EQUIPMENT COVERS

# Attachments

# Summary/Background Information

Approved in the General Fund, Streets and Drainage operating budget is \$195,400 to design and build three new heavy equipment covers at the Service Center. Sealed competitive designbuild proposals were solicited to nine companies in the Metroplex that specialize in steel structure construction. The bid opening was held on May 13, 2022 and one bid was received. C&M Steel Services, located in Royse City, provided a proposal that meets specifications at a total project cost of \$224,422.92. Staff anticipated that this project cost would exceed budget due to rapid inflation in the price of goods and services over the past year.

## Action Needed

For Council consideration is the bid award to C&M Steel Services and an additional \$30,000 out of General Fund reserves, authorize the City Manager to execute a contract for the new covers.



TO:Mary Smith, City ManagerCC:Honorable Mayor and City CouncilFROM:Amy Williams, P.E., Director of Public Works/City EngineerDATE:June 6, 2022SUBJECT:CONSTRUCTION CONTRACT FOR WILLIAMS STREET LIFT STATION<br/>EMERGENCY REPAIR

# Attachments

Summary/Background Information

The lift station located at 950 Williams Street was constructed in 1976. This lift station is in immediate need of repair to prevent overflow of the sanitary sewer. Currently, the Production Department is monitoring this lift station multiple times a day to ensure that the sewer will not overflow.

Staff has contacted ConNanCo, LLC. to make emergency repairs on this lift station. The cost of the above emergency repairs is \$83,750.00, which exceeds the City's competitive sealed bid threshold. According to *Local Government Code Chapter 252, Section 252.022, General Exceptions to the Competitive Bid Process; Item (2),* "... a procurement necessary to preserve or protect the public health or safety of the municipality's residents ..." may be used to justify the emergency repairs made to connect the sanitary sewer.

Based on this, staff is requesting the City Council consider approving an emergency repair of the Williams Street Lift Station in the amount of \$83,750.00 to be funded out of the Water and Sewer Fund.

Action Needed



- TO: Mayor and Council Members
- FROM: Hotel Occupancy Tax Sub-committee Members Mary Smith, city Manager
- DATE: June 3, 2022
- SUBJECT: Supplemental Requests for HOT Funding

The Subcommittee met to discuss supplemental requests for HOT funding for events in 2022. Members Dana Macalik, Anna Campbell, and Bennie Daniels have prepared the following recommendations for funding pending Council's approval.

The Chamber has requested funds on behalf of the Ski Nautique owner's group who will be holding their annual event in Rockwall in early July. They were in Rockwall last year and wanted to come back here again rather than rotate to another location. The committee is recommending \$12,715 for this request.

Oasis Pickleball will again be hosting a large tournament in late September. Funds were requested for operational and promotional expenses for the tournament. The subcommittee is recommending \$20,500 for those expenses. Funds were also requested for capital expenses to convert their remaining tennis courts to pickleball courts. The subcommittee does not recommend assisting with capital expenses of the business.

Prior to Council action on the above, the Hotel Occupancy Tax budget is as follows:

Fund Balance carried forward	\$1,188,249
Budgeted Revenues	975,000
Previously Allocated Funding	( 812,400)
Projected Fund Balance	\$1,350,899

The subcommittee can answer any questions regarding their recommendations. Council is asked to consider approval of the funding amounts and authorize the City Manager to execute contracts with the organizations.



**Hotel Occupancy Tax** 

# Program Year 2022

# Application

# MUST BE TYPED or PRINTED

Deliver to: City of Rockwall Finance Office Attn: Lea Ann Ewing 385 S. Goliad St., Rockwall, TX 75087 Ph. 972-771-7700 Fax 972-771-7728 <u>lewing@rockwall.com</u>

<b>Organization Name:</b>	Rockwall Area Chamber of Commerce & Visitors Center				
Name of Event:	South Central Nautique Regatta				
Date(s) of Event:	July 8-10, 2022				
Funding Request \$:	\$12,715				
Website Address:	www.visitrockwall.com				
Mailing Address:	697 East Interstate 30; Rockwall, TX 75087				
Physical Address:	697 East Interstate 30; Rockwall, TX 75087				
Telephone:	(972) 771-5733 Fax: (972) 772-3642				
<b>Primary Contact Name:</b> (President/CEO) Mailing Address:	Darby Burkey 697 East Interstate 30; Rockwall, TX 75087				
Email Address:	darby@rockwallchamber.org				
Telephone:	(972) 771-5733 Fax: (972) 772-3642				
Secondary Contact Name: (Tourism)	Miranda Martinez				
Mailing Address:	697 East Interstate 30; Rockwall, TX 75087				
Email Address:	miranda@rockwallchamber.org				
Telephone:	(972) 771-5733 Fax: (972) 772-3642				

- ► COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

- 1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.
  - Advertising/Tourism Requested funding amount \$ 12,715 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.
  - Arts Requested funding amount \$ Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.
  - Historical Requested funding amount \$ Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.
- Describe the program or event for the upcoming fiscal year (Oct. 1 2021 Sept. 30, 2022) that you are requesting Hotel Tax funding. What is your event and why are you having it?
  - We are welcoming back Nautique Boats along with the World Wake Association for their 2<sup>nd</sup> year of the Nautique Regattas return to Rockwall. This Regatta experiences is exclusively for Nautique boat owners (starting price at \$250,000 and up). The weekend will be filled with fun activities including utilizing the Buffalo Creek Golf Course, Demo Rides, an Owners Dinner, Vendor Education, and product sessions. This event has become one of anticipation for Nautique families to enjoy a fun-filled weekend and has held over 500 people in the past. As this is their second year, it is their desire to continue to partner with a total of a 5-year run. This continues to be a wonderful opportunity for our city, and we look forward to welcoming them to Rockwall again.
  - These costs did not increase from last year and will go to again cover the boat slip rental, AV costs, a live music element, and swag bags for the attendees.
- 3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?
  - The event has already opened room blocks for the Hilton Dallas/Rockwall Lakefront. Rooms booked will be over 200 for both nights resulting in 400+ room nights with possible overflow.
- Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
   No Name location: N/A
- 5. Will your organization provide special event insurance coverage for the event/program if held on City property?
   No Name of Insurance Company: N/A
- 6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
Not applicable to this request				
			·	
	1			

- 7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).
- 8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
  - a) Separate checking account without combining with any other revenues or maintained in any other bank account or
  - b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

Exhibit A Exhibit B	Proposed budget for each event/program using attached form Letter of determination certifying federal tax exempt 501(c)(3) status
Exhibit C	
_	Examples and evidence of marketing area and readership (limit 3)
Exhibit D	List members of the governing body including name, position, mailing address and phone number
Exhibit E	0 1
	W-9 Form https://www.irs.gov/pub/irs-pdf/fw9.pdf?
Exhibit F	Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is

understood and agreed that any funds awarded as a/ result of this application will be used for the purpose set for herein and the program guidelines.

President/CEO:

.

1.1

Date: 05/09/2022

Date: 05/09/2022

Tourism:

Darby Burkey

Sig

Miranda Martinez

Nartinez. Signature

Both signatures are required for the application to be complete.

108
# EXHIBIT A

# Hotel Occupancy Tax Funding Request Event/Program Budget - Program Year 2021

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name:	Rockwall Area Chamber of Commerce & Visitors Center
Event/Program Name:	Website Design & Support & Visit Center Advertising
Requested Funding:	\$ 12,715

Expenses (for this project only)	Total Expenses	HOT Funds Request	
1. Personnel			
Administrative			
Artistic			
Technical			
Other personnel			
2. Fees for outside professional service			
Administrative			
Artistic	2915	2915	
Technical			
3. Space Rental	6300	6300	
4. Equipment Rental	3500	3500	
5. Travel/Transportation			
6. Promotion/Printing			
7. Costumes/Royalties			
8. Other (supplies, postage etc.)			
9. Sub -Totals			a michael sean finankin in
10. Total Expenses	12,715	12,715	

	Total Revenues			
Revenues (for this project only)				
1. Total Amount of HOT fund request		HARD IN MARCHINE	J THE SHARE	
2. Admissions (ticket and concessions)				
3. Donations				
4. Organizational funds budgeted				10221 H 1931
5. Grants (State)				
6. Other (list):				State States
7. Other (list):				
8. Other (list):				
9. Other (list):				
10. Total income and contributions				
11. Total In-Kind				
12. Total Revenues	9400			
Financial Information (for this projec	t only)			-
Fiscal Year (Oct 1 <sup>st</sup> – Sept 30 <sup>th</sup> )	2019 actual	2020 actual	2021 actual	2022 Projected
Total Revenues				
Total Expenses				12715
Total Hotel funds awarded			12715	

Exhibits B-F to follow.

















**EDUCATION WHILE 68% ARE** G 87% HAVE COMPLETED AT LEAST SOME COLLEGE **COLLEGE GRADUATES** 



**98% TRAVEL FOR LEISURE, WITH** PER VEAR. 40% SAY THEY PLAN 70% TAKING 3 OR MORE TRIPS **TO INCREASE THIS SPENDING**  $\odot$ 



SOCIAL PLATFORMS

ADULTS OVER 30 USE FACEBOOK PRIMARY SOCIAL PLATFORM. **AND INSTAGRAM AS THEIR NSTAGRAM, TIK TOK AND** HOSE UNDER 18 FAVOR YOUTUBE



**BRANDS THAT SUPPORT TEAMS**, CO 75% SAID THAT THEY FAVOR SPORTS OR INITIATIVES THAT *IHEY FAVOR* 

CO 70% SAID THAT THEY SPEND

**OVER \$1K PER YEAR ON** 

LIFESTYLE ITEMS EACH YEAR











TEXAS

NAUTIQUE

CO 70% SAY THAT A BRAND OR ECO CONSCIOUS **PRODUCT BEING** 

ENVIRONMENTALLY CONSCIOUS S IMPORTANT TO THEM.





115. Son 12028 Austin, Texas 78711-2028



Secretary of State

# Office of the Secretary of State

# CERTIFICATE OF FILING OF

# ROCKWALL CHAMBER OF COMMERCE, INC. File Number: 58671301

The undersigned, as Secretary of State of Texas, hereby certifies that the Nonprofit Periodic Report for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 05/13/2013

Effective: 05/13/2013



John Steen Secretary of State



Internal Revenue Service NOV 1 9 1974 A:1427:309: R DAL: E0:74-92

The Rockwall Chamber of Cormer 104 West Rusk Street P. O. Box 92 Rockwall, Texas 75087

I. R. Code: Address Inquiries with District Director of Internal Revenue: Accounting Period Ending:

Dallas, Texas June 30

Section 501(c)(6)

Gentlemen:

On the basis of your stated purposes and the understanding that your operations will continue as evidenced to date or will conform to those proposed in your ruling application, we have concluded that you are except from Federal income tax under the provisions of the Internal those described, or in your character or purposes, must be reported immediately to your District Director for consideration of their effect upon your exempt status. You must also report any change in

C-

You are not required to file Federal income tax returns so long as you retain an exempt status, unless you are subject to the tax on unrelated tusiness income imposed by section 511 of the Code, in which event you are required to file Form 990-T. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to file Form 990, Return of Organizations Exampt from Income Tax, only if your gross receipts each year are normally more than \$5,000. If a return is required it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, to a maximum of \$5,000, for the failure to file the return on time.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (Social Security taxes) on regumeration of \$50 or more to each of your employees during a calendar quarter and, The Rochwall Charber of Commerce

unless excepted, you are also lizble for tax under the Federal Unemploy ment Tax Act on remuneration of \$50 or more to each of your employees during a calendar quarter if, during the current or preceding calendar year, you have one or more employees at any time in each of 20 calendar weeks or pay wages of \$1,500 or more in any calendar quarter. If you have any questions about excise, exployment, or other Federal taxes,

As a charber of commerce, charitable contributions to you are not deductible by dozors. You should advise your contributors to that

If we may be of further assistance, please contact Roy H. Schellenberg,

This is a determination letter.

Sincerely yours,

Q.W. Me, Canters.

-----

A. W. McCanless M/2 District Director 72





# Exhibit D

# 2022 Executive Committee

Darby Burkey, President (972) 771-5733

Eva Hummel, Chair (972) 485-6226

Brady Z. Hill, Chair-Elect (972) 467-8733

Brandon Morris, Past Chair (214)734-9095

Jason Linscott, Treasurer (469) 698-1354

Shane Hollas, Secretary (972) 467-8733 Rockwall Area Chamber of Commerce & Visitors Center 697 East Interstate 30, Rockwall, TX 75087

Atmos Energy Corporation 1310 State Hwy 66, Garland, TX 75040

Brady Z. Hill Agency – Farmers Insurance 750 East I-30, #105, Rockwall, TX 75087

Grubbs Nissan 31D Airport FRWY, Bedford, TX 76022

Texas Health Hospital Rockwall 3150 Horizon Road, Rockwall, TX 75032

Maaco of Rockwall 4500 I-30 Frontage Road, Rockwall, TX 75087

# Hotel Occupancy Tax Revenue Funding Request Summary FY 2021-2022

Organization:	Oasis Pickleball and Tennis Club
Amount:	\$70,500
Program(s):	Texas Shootout Pickleball Tournament

# Funding History

<u>Year</u>	Request \$	Award \$
2021	15,300	15,300



# **Hotel Occupancy Tax**

Program Year 2022

# Application

#### MUST BE TYPED or PRINTED

Deliver to: City of Rockwall Finance Office Attn: Lea Ann Ewing 385 S. Goliad St., Rockwall, TX 75087 Ph. 972-771-7700 Fax 972-771-7728 <u>lewing@rockwall.com</u>

#### Organization Name:

Name of Event: Date(s) of Event: Funding Request \$: Website Address: Mailing Address: Physical Address: Telephone:

Primary Contact Name:

(Project Director). Mailing Address:

Email Address: Telephone:

Secondary Contact Name: (President/Board Chairman) Mailing Address:

Email Address: Telephone: DCR Sports Development DBA Oasis Pickleball Texas Shootout Pickleball Tournament September 29-October 2 .78000 '70,500 Oasistennis.com 5606 Yacht Club Drive Rockwall TX 75032 5757 Hwy 205 South Rockwall TX 75087 972-772-7768 Fax:

Miranda Forbes

5606 Yacht Club Drive Rockwall, TX 75087 Ocsistennis. Com

director@<del>oasis.co</del>m Fax:

Darren Rak President/Owner 2412 Versailles Drive Heath, TX 75032

drak1112@msn.com 972-567-0291 Fax:

#### ► COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS

- INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE
  - 1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

- x Advertising/Tourism Requested funding amount \$ 32,000 70,500 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.
  - Arts Requested funding amount \$ 0 Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or

Historical Requested funding amount \$ 0 Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1 2021 – Sept. 30, 2022) that you are requesting Hotel Tax funding. What is your event and why are you having it?

exhibition of the major art forms in the City of Rockwall.

This event is the largest pickleball tournament in the U.S. It is annual and is covered by Fox Sports. We have over 1500 players from all over the world and over 7,000 spectators over a 4 day span. We have 9 other smaller events that will bring in over 25,000 guest to the Rockwall area for multiple day events. Oasis is going to invest over \$120,000 this year to become the largest dedicated pickleball facility in the US with over 42 courts. We have this tournament for the next 5 years and signed another PPA tournament for the spring of similar size. Professionals come from all over the world to play as well as 600-700 amateur players from the U.S. It is a sanctioned tournament and players get points to worldwide ranking. Pickleball is the fastest growing sport in the United States. Fox Sports will be covering live for all four days both tournaments.

- 3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)? The Texas Open brings in several thousand players and fans to Rockwall for 3-4 days to play or be a spectator for the event. Hotels occupancies will fill the positive impact as well as restaurants.
- Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
   No Name location: Oasis Beach and Tennis Club
- 5. Will your organization provide special event insurance coverage for the event/program if held on City property? N/A Name of Insurance Company: NA
- 6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Year	Attendance	Hotel Rooms
2020	900(Covid)	500
2021	6500	1800
2022	7500	Capacity

# EXHIBIT A

# Hotel Occupancy Tax Funding Request Event/Program Budget - Program Year 2022

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name:	Oasis Pickleball and Tennis Club		
Event/Program Name:	Texas Shootout Pickleball Tournament		
Requested Funding:	\$	70,500	

Expenses (for this project only)	Total Expenses	HOT Funds Request	
1. Personnel			
Administrative	4800	1500	
Court Coversion	96000	50000	
Technical Addl wifi for ESPN Generator	4500	1200	
Other personnel Band and staff	5000	2500	
2. Fees for outside professional service	3000	1000	
Administrative			
Artistic. Flyers for future events	1500	700	
Technical Stage and seat rental	3000	1000	
3. Space Rental. Pool rental welcome party and band	1000	500	
4. Equipment Rental. Tent AV speaker	5500	1500	
5. Travel/Transportation. Shuttle	4200	2100	
6. Promotion/Printing Banners/Elec Billboard	5000	2000	
7. Costumes/Royalties. Shirts volunteers	4500	1500	
8. Other (supplies, postage etc.) Bleachers and add'I parking	17500	5000	
9. Sub -Totals	158,500	70500	
10. Total Expenses	158,500		

	Total Revenues			
Revenues (for this project only)	7022			
1. Total Amount of HOT fund request	70500			
2. Admissions (ticket and concessions)	16000			
3. Donations	0			
4. Organizational funds budgeted	0			
5. Grants (State)	0			
6. Other (list): Court Rental	12,000			
7. Other (list):				
8. Other (list):				
9. Other (list):				
10. Total income and contributions	0			
11. Total In-Kind				
12. Total Revenues	98,500			
Financial Information (for this proje	ct only)			
Fiscal Year (Oct 1st - Sept 30th)	2018 actual	2019 actual	2020 actual	2021 Projected

Total Expenses Total Hotel funds awarded	 	 
Total Expenses		
Total Revenues	 	

Exhibits B-F to follow.

- 7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).PickleballTournaments.com Oasistennis.com/ Google Advertising Fox Southwest Coverage and ESPN
- 8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
  - a) Separate checking account without combining with any other revenues or maintained in any other bank account or
  - b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

Exhibit A	Proposed budget for each event/program using attached form
Exhibit B	Letter of determination certifying federal tax exempt 501(c)(3)
	status
Exhibit C	Examples and evidence of marketing area and readership (limit 3)
Exhibit D	List members of the governing body including name, position,
	mailing address and phone number
Exhibit E	W-9 Form https://www.irs.gov/pub/irs-pdf/fw9.pdf?
Exhibit F	Form 1295
	https://www.ethics.stateOa.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a/result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman:

Darren Rak Print Name

Signature

Event/Program Director: Miranda Forbes Miranda Forbes

The

Signature

NexCourt, Inc. 1.800.235.1767



1114 S. Airport Circle Euless, Texas 76040

www.sportcourt.com

April 12, 2022

Miranda Forbes Oasis Pickleball Club 5757 S. State HWY 205 972-772-7768

RE: Converting 6 tennis courts to 24 pickleball Courts

Thank you for the opportunity to submit our proposal to provide you with a resurface of the remaining tennis courts at Oasis and changing them into the 24 pickleball courts. **Site Preparation** 

\*Weed removal \*Concrete grinding\patching \*concrete leveling as best as possible \*crack filling where necessary

#### Surfacing

\*Acid etch slab with acid, pressure wash clean
\*Mark birdbaths, repair with more concrete patch
\*Apply 1 coat adhesion promoter, 2 coats of resurfacer, 2 coats of textured acrylic, 1 coat for textured white tennis lines
\*Apply pickleball lines in white.

#### Pickleball Net Posts\nets

\*Douglas pickleball posts with welded plates (24 pairs) and nets

#### Chain Link

\*Removal of 10' tall sections of chain link \*Removal of existing tennis net posts and nets \*Install 4' tall black chain link as currently configured on existing courts \*Removal of two shade structures

**Total Price for all courts is \$112,349.00. Sales Price with some marketing consideration \$106,732.00.** Turnkey pricing is inclusive of all materials, installation, shipping, and tax.

Pricing shown:

\*Is proposed 4-12-2022 and is good for 10 days.

\*Does not include materials or services that are not specifically identified above.

\*Water outlet and electrical must be located by the court

Respectfully submitted,

Chris Walker (Electronically signed)

NexCourt, Inc. 972-898-7529 mobile Office – 817-283-4646 NexCourt, Inc. 1.800.235.1767



1114 S. Airport Circle Euless, Texas 76040

www.sportcourt.com





Tournaments at Oasis

- May 13-15 Oasis Spring Classic
- June 10-12. Lone Star Classic
- July 22- 24 Aloe MD Summer Slam
- Seltember 9-11 Oasis Fall Classic
- September 23-25 World Pickleball
- October 6-9 The Rumble by BaylorScott and White (over 700 in attendance)
- November 3-6 Texas Open (over 1500 in attendance this year)

# **Oasis Pickleball and Tennis Club**

. . . . . .

7

Texas Open Pickleball Tournament Sept 29 Oct. 2, 2022 Funding Request 576,500 Website. OasisPickleballandTennis.com 5757 S. Hwy 205 Rockwall, TX 75032 Physical Address same Telephone 972-772-7768

Project Director Darren Rak 5757 S. Hwy 205 Rockwall TX 75032 Drak1112@msn.com 972-567-0291

Miranda Forbes Director of Program and Tournament Same

director@oasistennis.com 972-772-7768

- 1. Advertising/Tourism Requested Funding
- 2. This is a Pickleball Tournament for 1500-2000 players from around the U.S.
- 3. Players will be required to stay a minimum of 2 nights in the area to participate in the event. Many will stay four nights as they are international professional players. ESPN will have a crew here for 4 days also.
- 4. The event will be held on Oasis Beach and Tennis Club. The Hilton would be a great option as well as the Tru for overnight accommodations.
- 5. Not on City property
- 6. Average attendance on non covid years is over 2,000 per day x 3 days. (McKinney TX last two years) We have tournament booked next 3 years.

Form	W-	-9	
	ctober 2	2018)	
		Treasury	,
	Revenue		

# Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. DCR Sports Management LLC								
	2 Business name/disregarded entity name, if different from above								
	Oasis Pickleball and Tennis Club								
page 3.		4 Exemptions (codes apply only to certain entities, not individuals; see							
LO 2	Individual/sole proprietor or C Corporation S Corporation Partnership Trust/estate	instructions on page 3):							
e n	✓ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►	Exempt payee code (if any)							
Print or type. fic Instructions	Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check	Exemption from FATCA reporting code (If any)							
P Specific		(Applies to accounts maintained outside the U.S.)							
See Sp	5 Address (number, street, and apt. or suite no.) See instructions. Requester's name an	d address (optional)							
	6 City, state, and ZIP code								
Ī	7 List account number(s) here (optional)								
Part	Taxpayer Identification Number (TIN)								
Inter y	bur TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid Social secu	rity number							

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see What Name and Number To Give the Requester for guidelines on whose number to enter.

Social s	ecur	ity n	umi	ber				
)r		-			-			
Employe	er ide	entifi	cat	ion n	umt	ær	-	
87	_	1	2	D	2	1	6	1

#### Part II Certification

Under penalties of perjury, I certify that:

- 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- 3. I am a U.S. citizen or other U.S. person (defined below); and

4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Here	U.S. person ►	Date ►
Sign	Signature of	

# **General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments**. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

# **Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return. Examples of information returns include, but are not limited to, the following.

Form 1099-INT (interest earned or paid)

 Form 1099-DIV (dividends, including those from stocks or mutual funds)

 Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)

 Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)

- · Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



F						
	CERTIFICATE OF INTERESTED PAR	RTIES		FOF	км <b>1295</b> 1 of 1	
-	Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.		OFFICE USE ONLY			
1	Name of business entity filing form, and the city, state and cour of business. Oasis Pickleball and Tennis Club	Cer	CERTIFICATION OF FILING Certificate Number: 2021-787716			
2	Rockwall, TX United States Name of governmental entity or state agency that is a party to the being filed.		Date Filed: 08/06/2021			
	Rockwall Chamber of Commerce		Date	Date Acknowledged:		
3	Provide the identification number used by the governmental ent description of the services, goods, or other property to be provi 123313123 Pickleball tournament	ity or state agency to track or identi ded under the contract.	fy the d	contract, and pro	vide a	
4	Name of Interested Party	City, State, Country (place of bus	ness)	Nature of (check ap Controlling	f interest oplicable) Intermediary	
	JARREN RAK	Rockwall, TX US	A	1007.	memoraly	
	<i>p</i> .					
-						
-						
-						
5	Check only if there is NO Interested Party.					
	UNSWORN DECLARATION					
	My name is DATREN RAK My address is 2412 Versailles	, and my date of			1101	
	My address is Versaulles (street)	Iteath 7 (city) (s	tate)	(zip code)	(country)	
	I declare under penalty of perjury that the foregoing is true and correct Executed inCounty,	State of Texas on the	6 th	ay of(month)	_, 20 <u>21</u> . (year)	
		Signature of authorized agent of con (Declarant)	tracting	business entity		

#### Ewing, Lea Ann

From: Sent:	darren rak <drak1112@msn.com> Wednesday, April 27, 2022 11:00 AM</drak1112@msn.com>
То:	Ewing, Lea Ann
Subject:	Fw: Invoice Dr. Rak - Bleacher area, outdoor bar, drainage - 7-28 (revised).doc
Attachments:	Invoice Dr. Rak - Bleacher area, outdoor bar, drainage - 7-28 (revised).doc
Importance:	High

I will send you the rest of the work we have completed. i doubt you need any more as we didn't ask for enough last year. the city just doubled my property taxes and we haven't even made a profit yet as i am the landlord. it is ridiculous.

From: darren rak <drak1112@msn.com>
Sent: Friday, July 30, 2021 8:23 AM
To: Deanna Irving <deanna@urbanairrockwall.com>
Subject: Invoice Dr. Rak - Bleacher area, outdoor bar, drainage - 7-28 (revised).doc

Thank you Darren Rak

This email was scanned by Bitdefender

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

# **Custom Concrete & Construction**

433 Southwestern Rockwall, Texas 75087

Phone:Rex(214) 497-7206 rex@lifespringfamily.net

# *Invoice – bleacher area, outdoor bar and drainage*

To: Oasis Beach & Tennis Club Attn: Darren Rak 5757 st. hwy 205 Rockwall

# Date: 7-28-21

Description:	Unit	Total
*3/8" rebar on 16" centers with dowels *3500 psi concrete 4-6" thickness *use roadbase under slab *light broom finish *sawcuts every 15' on center		
Bleacher area	1800 sf	\$ 12,870
Outdoor Bar area	93 sf	\$ 685
Reshape waterflow and drainage area		\$ 385
TOTAL:		\$ 13,940

May God Bless You, Your Family, and Your Business! Psalm 5:12

# Ewing, Lea Ann

From: Sent:	darren rak <drak1112@msn.com> Wednesday, April 27, 2022 11:07 AM</drak1112@msn.com>
То:	Ewing, Lea Ann
Subject:	stadium court
Attachments:	Convert Clay to Stadium Court - Oasis (1-20-2021).docx
Importance:	High

we completed this also last year. this is why Fox Sports is able to come and cover the event.

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# **DOBBS TENNIS COURTS, INC.**

P.O. Box 90397 Austin, Texas 78709 Tel. (512) 288-2113 \* Fax (512) 288-2126 Toll Free (800) 487-6259 dtcaustin@aol.com www.dobbstennis.com *HUB Certified* 



Certified Tennis Court Builder on Staff

# PROPOSAL TO CONVERT CLAY COURTS TO (2) STADIUM PICKLEBALL COURTS 40' x 70' each

January 20, 2021

Oasis Beach and Tennis Club 5757 State Hwy 205 Rockwall, TX 75032 Darren Rack (972) 567-0291 Drak1112@msn.com Mercedes Fernandez (214) 906-3054 merfertennisoasis@gmai.com

Dobbs Tennis Courts, Inc. (DTC) proposes to provide materials, labor, transportation, and insurance for the above described project as follows:

Installed on the existing clay court. Additional slope (approx. 4" is needed on the existing court to allow for adequate drainage. Proposal does not include improvements to outside of the concrete courts (no grass).

# ACCESS:

Trucks and equipment will need access to site.

#### **SITE PREP:**

- 1. Locate underground utilities and overhead powerlines.
- 2. Bring in approximately 150 yards of select fill and/or cushioned sand as needed for proper elevation and slope.
- 3. Grading to be 1" slope per 10'.

# **SLAB:**

- 1. Provide and install 2 to 3 inches of cushion sand for the finish grade as needed.
- 2. Place (2) layers of 6-mil poly on top of sand, overlap and tape the seams.
- 3. Provide forming.
- 4. Dig footings for net posts and center anchor.
- 5. Dig a 12" wide x 12" beam (or down to rock) min. of 6" deep, around the perimeter of the slab, or as designed. Dig center beams as designed.
- 6. Place <sup>1</sup>/<sub>2</sub>" seven-strand post-tension cables on maximum 3' centers (or as specified by engineer) with 2" plastic chairs at all intersections. All tears in sheathing shall be repaired.

- 7. Place (2) pieces of No. 4 rebar in all beams. One piece on top and one below the posttension cable. Rebar to be continuous.
- 8. Pour a 5" thick, 3000 psi concrete slab, no curing agents. Apply a medium broom finish.
- 9. Use a concrete pump to get the concrete from the truck to slab area. No concrete trucks will be allowed on the tennis court pad.
- 10. Partial-stress the tendons 1 to 2 days after concrete is poured. Final-stress tendons 7 to 10 days after the concrete pour. Cut tendons and grout holes with non-shrink grout.
- 11. The slab will be moisture cured for 7 days and allowed to cure a minimum of 28 days before the application of the acrylic surface.

# FENCING: None:

# **SURFACING:**

- 1. Acid etch slab with phosphoric acid, then pressure wash slab clean with a 3,500 psi pressure washer.
- 2. Flood the court, mark birdbaths, if any, and repair as per ASBA specifications.
- 3. Apply 1 coat of acrylic adhesion promoter.
- 4. Apply 1 to 2 coats of acrylic resurfacer.
- 5. Apply 2 coats of textured acrylic. Color or colors to be chosen by owner.
- 6. Apply textured white lines per USTA specifications for tennis.

Surface colors to be \_\_\_\_\_\_ with \_\_\_\_\_\_ kitchen and \_\_\_\_\_\_ border. Surfacing material to be SportMaster or equivalent. Allow 48 hours for surfacing coatings to cure.

# ACCESSORIES:

- 1. Provide and install (2) pair Douglas Pickleball Premier XS Posts. Internal-wind 2-7/8" round net posts into sleeves. Black.
- 2. Provide and install (2) Douglas Pickleball Net, shorter height.

# **OWNER TO PROVIDE:**

Water and electricity for project.

# DOBBS TENNIS COURTS, INC. WILL PROVIDE:

- 1. Worker's Compensation insurance.
- 2. General Liability insurance.
- 3. Complete job clean up.

**ROAD CLAUSE:** If access to site is limited and roads need to be built, owner will be responsible for that cost.

**EXCLUSION CLAUSE:** DTC will not be responsible for damage caused to electrical, gas, cable, telephone, irrigation or any other form of lines that are buried underground. Repairs, if

needed, will be the responsibility of owner. DTC can only be held responsible if informed in writing with location diagrams prior to beginning of construction.

**PERMITS:** Others will provide all permits, if needed. If DTC arrives on job site and there are problems pertaining to permit, owner will be responsible for any additional cost incurred by DTC due to delays, etc.

**CHANGES:** Any changes to the above specifications will be done by written change order and signed by a representative of the owner and DTC. No verbal statements or agreements by owner, the contractor, or its representatives will be recognized.

#### WARRANTY:

DTC guarantees materials and workmanship for one year from date of completion. Excludes acts of God: hurricane, tornado, earthquake, flood, tsunami, etc. Note: It is possible for there to be hairline or shrinkage cracks in the slab after a pour. The purpose of the post-tension cable system is to keep the cracks under control.

# **PRICING AND TERMS:**

Price for (2) Courts: \$ 58,290.00 + \$ 3,366.25 tax = \$ 61,656.25

Initial

**Terms:** 25% upon job start 60% upon concrete pour 15% upon completion

# **BLEACHERS:**

Provide and install stationary spectator bleachers, 15' long and approx. 5' wide, 3 rows of seating, double foot plank. (Other models available.) Price for (1) Bleacher: \$ 1,775.00 + \$ 146.44 tax = \$ 1,921.44 QTY\_\_\_\_\_ Initial\_\_\_\_\_

Price quotes are guaranteed for ninety days. RESPECTFULLY SUBMITTED, DOBBS TENNIS COURTS, INC. By: *Barbara Dobbs*, *CTCB* 





Accepted By\_

Date







#### FIXED ALUMINUM BLEACHER 3 ROW WITH DOUBLE FOOT PLANKS FOR 7'-6", 12', 15', 24', AND 27' LENGTH

	GENERAL SPE	METRIC SPECIFICATIONS			
PART NUMBER	BLEACHER LENGTH	SEATING CAPACITY	WEIGHT (Lbs)	BLEACHER LENGTH	WEIGHT (Lbs)
GSNB0308DF	7-6*	15	135	2286 mm	61 kg
GSNB0312DF	12'-0"	24	217	3658 mm	98 kg
GSNB0315DF	15'-0"	30	254	4572 mm	115kg
GSNB0321DF	21'-0"	42	350	6401 mm	159 kg
GSNB0324DF	24'-0"	48	416	7315 mm	189 kg
CSNB0327DF	27-0*	54	448	8230 mm	203 kg





Rockwall Municipal Court 2860 State Highway 66 Rockwall, Texas 75087 972-772-6478

May 13, 2022

TO:Mayor and Council, City Manager, Assistant City Manager, City SecretaryFROM:Matt Scott, Presiding Judge, Rockwall Municipal CourtRE:State of the Court

Dear Mayor, Council, Ms. Smith, Mr. Boyd, and Ms. Teague:

As we approach the one-year anniversary of my appointment as the presiding judge of the Rockwall Municipal Court, I wanted to provide all of you with some of the items we accomplished during this first year. It is important to note that these accomplishments are primarily the result of the court and city staff, as none of these things could be done without their help and input.

#### A. Court Report

The statistical report from Chief Clerk Debbie Waters is attached.

#### B. Court Forms

One of the very first things I did upon becoming the presiding judge was to review all of the court's forms, including standing orders, and frequently used legal forms. In consultation with Associate Judge Ryan Lee and court staff, we revised and in some cases consolidated the court's standing orders. I then signed an order rescinding all previously issued standing orders, and Judge Lee and I signed new standing orders. Those orders were then posted to the court's web page.

# C. Online Upgrades

The next thing we did was work with Ken Maxwell to upgrade the court's web site. Although it is still a work in process, we made efforts to streamline the page, and provide simple answers and links for frequently asked questions. We also added a home page picture of our court staff, along with pictures of Judge Lee, Chief Court Clerk Debbie Waters, and myself. I wanted to try to put faces with some of the names people would be interacting with.

#### D. Family Violence Cases

An issue of high importance to me are Class C family violence cases. All the studies shows that more serious incidents of domestic violence, including murder, start with lesser offenses involving family violence, including Class C citations. We thus created a separate family violence docket for those cases.

The goal of this special docket is to insure that persons charged with this offense know that the court takes these charges seriously and these charges are not processed like a speeding ticket. Normally, those charged first meet with the prosecutor and, if they desire to plead no contest and have the court defer disposition of their charge, the court then accepts their plea in open court and goes through a number of statutorily required admonishments about the consequences of failing to complete the order of deferred disposition. A finding of guilt in a case involving family violence can affect Second Amendment rights, child custody, and spousal support orders, among other things.

Again, the goal is to insure those charged with a Class C misdemeanor involving family violence are given an opportunity to avoid a finding of guilt, but also understand the court takes these charges seriously and expects strict compliance with any order of deferred disposition. All this is done in the hopes of preventing any escalating behavior by someone charged with this offense.

#### E. Courtroom and Technology Upgrades

We added a large television monitor to the clerk's room, through which all the courthouse cameras can be viewed. Ms. Waters requested this and we think it adds another level of safety to the courthouse.

Finally, I wanted to make some changes to the courtroom itself. Before I was appointed presiding judge, the courtroom was very barren. One framed American flag hung over the jury box, the seal of the State of Texas and the City of Rockwall hung next to the bench, and United States and Texas flags stood next to the bench.

The first thing we added was a framed antique-appearing three-document set of founding documents—the Declaration of Independence, the United States Constitution, and the Bill of Rights—on the South wall of the gallery. Next, we added to the back wall of the courtroom gallery a set of framed, 3x5 flags of the six nations that have flown over Texas. Finally, on the North wall of the gallery, we started a wall of judicial portraits of every person who has served as a presiding or associate judge of the Rockwall Municipal Court. I felt it was important to make the courtroom look and feel like a courtroom and not simply a large room where court is held.

#### F. Conclusion

These are some of the changes we made to the court in the last year. I hope each of you will come to the court and see the visual changes we made, and I certainly would welcome any suggestions you might have. The court's website is <u>www.rockwall.com/court</u>, and again, I would welcome suggestions.

As always, if you have any questions or concerns, please do not hesitate to contact me. My city email is <u>mscott@rockwall.com</u>, and my work email is <u>matt@mattscottlaw.com</u>. My cell phone is 469-371-8016.

Sincerely,

Matthew R. Scott, Presiding Judge City of Rockwall Municipal Court

#### MUNICIPAL COURT ANNUAL REPORT

CASES FILED PAID DISMISSED* * INCLUDES 48HR WARNINGS & AGE PURGE	<b>2021</b> <b>6075</b> 1065 2069	<b>2020</b> <b>4431</b> 672 1608	<b>2019</b> <b>8662</b> 1095 1779	<b>2018</b> <b>9098</b> 1280 935
TRIALS BY JUDGE GUILTY NOT GUILTY	19 1	84 4	269 0	340 0
TRIALS BY JURY	7	2	6	9
CASES DISMISSED AFTER DRIVERS SAFETY COURSE AFTER DEFERRED DISPOSITION AFTER PROOF OF INSURANCE COMPLIANCE DISMISSAL** **MVI, REGISTRATION, DL	444 803 88 557	441 958 48 331	71 1600 128 481	736 1837 135 349
CASES APPEALED	14	3	25	13
WARRANTS ISSUED CLASS C	2551	1320	2706	5149
TOTAL CASES CLEARED***	5645	4853	8080	8658

#### REVENUE

TOTAL PROCESSED THROUGH \$861,876.98 \$676,867.93 \$1,048,562.38 \$1,132,304.29 COURT
















### MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: June 6, 2022

SUBJECT: H2022-004; APPEAL FOR A CERTIFICATE OF APPROPRIATENESS (COA) FOR 501 KERNODLE STREET

Attachments Memorandum Applicant's Appeal Letter HPAB Packet from 05.19.2022

### Summary/Background Information

Discuss and consider a request by Tim Herriage appealing a decision by the Historic Preservation Advisory Board (HPAB) concerning the denial of a Certificate of Appropriateness (COA) for a *High Contributing Property* being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

Action Needed

The City Council is being asked to determine if the Historic Preservation Advisory Board (HPAB) *erred in it decision* to deny a Certificate of Appropriateness (COA) for the subject property at 501 Kernodle Street.



### CITY OF ROCKWALL CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO:	Mayor and City Council
CC:	Mary Smith, <i>City Manager</i> Joey Boyd, <i>Assistant City Manager</i>
FROM:	Ryan Miller, Director of Planning and Zoning
DATE:	June 6, 2022
SUBJECT:	H2022-004; Appeal for a Certificate of Appropriateness (COA) for 501 Kernodle Street

On May 19, 2022, the Historic Preservation Advisory Board (HPAB) approved a motion to deny a Certificate of Appropriateness (COA) for 501 Kernodle Street by a vote of 4-0 with Board Members Odom, Adams, and McClintock absent. Specifically, this case dealt with a proposal to add a driveway on the side yard of the subject property accessing Williams Street [*SH-66*]. The subject property is classified as a *High Contributing Property* according to the *2017 Historic Resource Survey*. The proposed driveway does not meet the City's Historic Preservation Guidelines contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) or the driveway spacing requirements contained in the *Engineering Standards of Design and Construction Manual*. Additionally -- *and a major reason the driveway cannot be approved* -- the driveway does not meet the Historic Preservation Advisory Board (HPAB) cited safety and the lack of conformance to the Historic Preservation Guidelines as being the reason for the denial.

In accordance with the requirements of the Unified Development Code (UDC), the applicant submitted a request for an appeal to the City Council (*see Exhibit A*). According to Subsection 06.03(H)(1), *Appeal Process*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(i)f the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Office (HPO) within ten (10) business days after the decision of the board. In considering an appeal, *the sole issue before the City Council shall be whether the board erred in its decision*. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy." Based on this, staff has included -- *in the attached packet* -- all of the materials provided to the Historic Preservation Advisory Board (HPAB) for their May 19, 2022 meeting. Staff should note that the City Attorney has reviewed this case and agrees with the Historic Preservation Advisory Board's (HPAB's) determination for denial.

### Miller, Ryan

From: Sent: To: Subject: Tim Herriage Thursday, May 19, 2022 7:45 PM Miller, Ryan Appeal

I would like to appeal the boards decision. What is the process.

Regards,

Tim Herriage 214.607.1227

Sent from my iPhone

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### CITY OF ROCKWALL HISTORIC PRESERVATION ADVISORY BOARD MEMORANDUM

PLANNING AND ZONING DEPARTMENT 385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO:	Historic Preservation Advisory Board
FROM:	Ryan Miller, Director of Planning and Zoning
DATE:	May 19, 2022
SUBJECT:	H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

On April 21, 2022, the Historic Preservation Advisory Board (HPAB) reviewed a Certificate of Appropriateness (COA) request for the property at 501 Kernodle Street. Specifically, the applicant -- Tim Herriage -- was requesting the Certificate of Appropriateness (COA) for the purpose of [1] demolishing an existing 176 SF covered porch and [2] constructing a driveway approach off of Williams Street. Ultimately, the board approved a motion to grant the Certificate of Appropriateness (COA) for the demolition of the covered porch, but deny the Certificate of Appropriateness (COA) and recommend denial of the variance request to the Planning and Zoning Commission for the driveway approach off of Williams Street. This motion was approved by a vote of 4-0, with Board Members Miller, Bowlin and Adams absent. At the time of the meeting, staff was under the impression that the variance request to the driveway spacing requirements could continue forward to the Planning and Zoning Commission with a recommendation for denial regardless of the Board's action on the Certificate of Appropriateness (COA); however, after reviewing the requirements of the Unified Development Code (UDC) with the City Attorney, it was determined that the request could <u>not</u> move forward to the Planning and Zoning Commission without an approved Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). Since staff had advised the Board to word their motion as a recommendation to the Planning and Zoning Commission, the City Attorney has advised staff to bring the case back to the Historic Preservation Advisory Board (HPAB) to allow them to rehear the case, and make a corrected motion. In response to this, the applicant has submitted a Historic Preservation Advisory Board (HPAB) application (see the application in the attached packet) requesting a Certificate of Appropriateness (COA) for the driveway, and claiming -- that regardless of the Development Application that was filed requesting a variance to the driveway spacing requirements -- this is his first request for a Certificate of Appropriateness (COA) for the driveway. Staff should point out that regardless of if this case is a reconsideration of the previous motion or a new case entirely, the Historic Preservation Advisory Board (HPAB) retains the discretion to: [1] approve the Certificate of Appropriateness (COA) [which would send a recommendation of approval for the variance request to the Planning and Zoning Commission] or [2] deny the Certificate of Appropriateness (COA) application. Staff should note that if the Board chooses to deny the request, the applicant has the right to appeal the Board's decision to the City Council. When considering an appeal "...the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy."

Staff should note that the applicant has provided additional information since the original submittal, and that this information has been provided in the attached packet. Based on this new information, staff has updated the case memo from the April 21, 2022 meeting to: [1] remove the information relating to the Certificate of Appropriateness (COA) for the covered porch, and [2] to address the new information provided by the applicant. With this being said, the new information provided by the applicant has not changed staff's position with regard to this request, and staff is still of the opinion that allowing this driveway approach off of SH-66 could create the potential for an unsafe condition; however, all requests for a Certificate of Appropriateness (COA) are discretionary decisions for the Historic Preservation Advisory Board (HPAB). Should the Board have any questions concerning this case, staff and the applicant will be present at the meeting to discuss.



### CITY OF ROCKWALL HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

PLANNING AND ZONING DEPARTMENT 385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO:	Historic Preservation Advisory Board
DATE:	May 19, 2022
APPLICANT:	Tim Herriage
CASE NUMBER:	H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

### **SUMMARY**

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness (COA)</u> for a <u>High Contributing Property</u> being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

### BACKGROUND

The structure at 501 Kernodle Street was constructed in 1885 by M. H. McCoy. Mr. McCoy was a local businessman who also owned Rockwall's first hardware store and later became a prominent banker. The home was purchased by Jim and Pat Buttgen in 1977. During their tenure in the house the Buttgen's completed several remodels of the home including: [1] finishing the attic into a large bedroom and bathroom, [2] added a den to the lower level, [3] restoration of the pine floors throughout the home, and [4] added kitchen cabinets. During the remodel of the home, the Buttgens discovered the remains of a unique underground watering system invented by Mr. McCoy. According to the 2017 Historic Resource Survey, the house was constructed in a Modified L-Plan with Folk Victorian style influences and is classified as a High Contributing Property. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is the 2,152 SF single-family home that was constructed in 1885, two (2) covered porches -- being 176 SF and 476 SF -- constructed in 1885, a 100 SF gazebo constructed in 1980, and a 480 SF detached garage constructed in 1986.

The subject property was originally platted as Block 2, F&M Addition on September 14, 1896 (*see Figure 2*). At the time of platting the property included the two (2) lots to the west of the subject property (*i.e. identified by RCAD as NW/4 C and SW/4 C of Block 2, F&M Addition*). This indicates that at the time the F&M Addition was established Block 2 was a single property. This property was later subdivided and established as Lot 1-R, Block 2 Buttgen Addition on July 3, 2005. Based on the City's *Historic Plat/Ownership Books* staff has been able to verify the configuration and ownership of the property since 1968 (*see Figures 3 & 4*).



*FIGURE 1*: AUGUST 10, 2012



FIGURE 2: F&M ADDITION SUBDIVISION PLAT (1896)



FIGURES 3 & 4: EXCERPTS FROM THE CITY'S HISTORIC PLAT/OWNERSHIP BOOKS

### <u>PURPOSE</u>

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of constructing a new driveway off of Williams Street that does <u>not</u> meet the minimum standards stipulated by the Texas Department of Transportation (TXDOT) or the City of Rockwall.

### ADJACENT LAND USES AND ACCESS

The subject property is located at 501 Kernodle Street. The land uses adjacent to the subject property are as follows:

- <u>North</u>: Directly north of the subject property is Margaret Street, which is identified as a R2U (*residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 0.43-acre parcel of land (*i.e. 601 Kenodle Street*) zoned Single-Family 7 (SF-7) District, and identified as a *Non-Contributing Property*. Beyond this are the boundaries of the Old Town Rockwall (OTR) Historic District followed by several parcels of land developed with single-family homes that are zoned Single-Family 7 (SF-7) District.
- South: Directly south of the subject is Williams Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 306, 308, and 310 Williams Street*) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. 306 & 310 Williams Street are classified as *Low Contributing Properties* and 308 Williams Street is classified as *Low Contributing Property*. Beyond this is *Lofland Park*, which is a 1.377-acre public park.
- *East*: Directly east of the subject property Kernodle Street, which is identified as a R2U (*residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 502 and 506 Kernodle Street and 501 Austin Street*) developed with single-family homes. All of these properties are zoned Single-Family 7 (SF-7) District, are located within the Old Town Rockwall Historic District, and are designated as *Non-Contributing Properties*. Beyond this is Austin Street, which is identified as a R2U (*residential, two [2] Iane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 501 Williams Street, which is zoned Single-Family 7 (SF-7) District and is classified as a *Non-Contributing Property*.
- West: Directly west of the subject property are two (2) parcels of land (*i.e. 302 and 303 N. Fannin Street*) developed with single-family homes zoned Single-Family 7 (SF-7) District. 303 N. Fannin Street is classified as a *Medium Contributing Property* and 302 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 405, 503 & 601 N. Fannin Street*) developed with single-family homes and zoned Single-Family 7 (SF-7) District. 405 & 503 N. Fannin Street are classified as *Non-Contributing Properties* and 601 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District.



FIGURE 5: LOCATION MAP

### CHARACTERISTICS OF THE PROJECT

The applicant -- *Tim Herriage* -- recently purchased the subject property from Jim and Pat Buttgen, and is in the process of remodeling the single-family home on the subject property. As part of the remodel the applicant is proposing to construct a driveway approach off of Williams Street and remove the existing driveway. The site plan provided by the applicant shows that the driveway will be approximately 140-feet from the intersection of Williams Street and Kernodle Street. The applicant's letter states that the driveway will be constructed with concrete and is being proposed to facilitate better drainage on the property. Staff should note, that this driveway relocation would be necessary if the applicant is proposing to subdivide the lot in



FIGURE 6: PROPOSED DRIVEWAY LOCATION

the future. Currently, the property is served by a gravel driveway that extends from the subject property to Margert Street.

### CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), *Certificate of Appropriateness (COA) for Alteration or New Construction*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [*Historic Overlay (HOV) District*] shall apply only to those properties ... which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by *Subsection B* or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, is designated as a *High Contributing Property*, and is directly adjacent to two (2) contributing properties (*i.e. 302 Margaret Street which is a High Contributing Property and 303 N. Fannin Street which is a Medium* 

*Contributing Property*). In addition, Section 06, *Certificate of Appropriateness (COA)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) states that "(a)ny person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction, moving or demolition of a property within a historic district that is visible must first obtain a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB) …" Based on this, the applicant's scope of work requires a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB).

In reviewing and acting upon a Certificate of Appropriateness (COA) "(t)he Historic Preservation Advisory Board (HPAB) shall follow the design guidelines as adopted by the City Council in its consideration of all applications for a Certificate of Appropriateness (COA)." In this case, the *Building Standards* relating to driveways contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) that are applicable to the applicant's request are as follows: "[1] The purpose of the driveway shall be to create a paved surface for the movement of vehicles to parking areas. The driveway is defined as the paved area within the property line extending from the back of the sidewalk or lot line to the garage, out building or porte-cochere. [2] The driveway should not exceed a width of ten (10) feet. [3] The driveway may extend along the side of the residence or structure, through the porte-cochere (if applicable) to the to the rear yard ... [5] On a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street. All other width and approach regulations will apply to driveways on corner lots ... [8] Parking should be on "improved" surfaces only, thereby maintaining the integrity of the front, side and rear yards of the property." In addition, Subsection (F) of these guidelines also states that "(u)nless previously used for a driveway, the side yard is to be used for landscaping with the purpose of enhancing the structure with plant materials."

In this case, the applicant is proposing to relocate the driveway from Margaret Street to Williams Street. As stated above, "... (o)n a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street." The garage at 501 Kernodle Street was constructed in 1986, faces towards the rear property line, and takes access from Margaret Street. In addition, the current driveway on Margaret Street <u>does</u> meet the City's driveway spacing requirements. The applicant's request of setting the driveway 140-feet from the intersection of Kernodle Street and Margaret Street <u>does not</u> meet the minimum standards established by the City of Rockwall and the Texas Department of Transportation (TXDOT). Specifically, the City's *Engineering Standards of Design and Construction Manual* stipulates a minimum driveway spacing of 200-feet from the

intersection of a Collector (i.e. SH-66 or Williams Street) and Local (i.e. Kernodle Street), and the Texas Department of Transportation's (TXDOT's) Access Management Manual requires a minimum spacing for driveways of 200-feet for State Highways with a posted speed of 30 MPH. The applicant has stated in his letter that there are currently seven (7) driveways within 200-feet of the subject property that take access onto SH-66. It should be noted that there are actually only six (6) residential driveways within 200-feet of the subject property, and that all but one (1) driveway is located on the southside of SH-66 (see the driveway exhibit in the attached packet). The subject property is currently on the northside of SH-66. Staff should also point out that these homes were constructed in 1905, 1918, 1939, 1975, 1985, and 1991, well before the current traffic volumes carried by this roadway were established, and that many of the properties on the southside of SH-66 only have the ability to access SH-66. The subject property has the ability to access both Kernodle Street and Margaret Street, which are smaller roadways intended to carry residential traffic. It is also worth mentioning that no new driveways have been permitted onto SH-66 in this area since 1991. Staff did request that the Police Department provide a list of vehicular accidents in the area between N. Fannin Street and Kernodle Street from 2020 to present, and was provided with a report of five (5) separate vehicular accident reports in this block (i.e. one [1] from 2020, two [2] from 2021, and two [2] from 2022) [this has been provided in the attached packet].

With this case, the applicant has submitted a revised letter and additional information from the information that was originally presented at the April 21, 2022 meeting. The applicant's new letter states that the Sanborn Maps from 1911 and 1934 show that "...carriages/vehicles most likely would have



FIGURE 7: 1911 SANBORN MAPS



FIGURE 8: 1934 SANBORN MAPS

entered the home from Williams. Specifically given the clear 'dividing line' present on both maps and location of barn/stable." Staff has reviewed the Sanborn Maps, the original subdivision plat, and all properties that were constructed prior to 1900 to determine if there is any validity to the applicant's statement. Specifically, staff observed that: [7] the home was originally platted on a single lot that took up the entire block indicating that the land making up Block 2 was under common ownership, [2] the Sanborn Maps do <u>not</u> show driveway access, and [3] based on homes constructed during a similar time period as the home on the subject property there does not appear to be a pattern to where driveways were located during this time period (*see Table 7*). Taking all of this into consideration, staff does not see anything that would indicate that "...carriages/vehicles most likely would have entered the home from Williams." In fact, it is just as probable to assume that the property faces Kernodle Street. Finally, in the applicant's information he links the proposed driveway to fixing drainage issues on the site. Staff has reviewed the information that the applicant has submitted and cannot determine a correlation between the two (2) issues (*i.e. proper drainage of the property can be achieved regardless of where the driveway is located*). It should also be noted that the applicant's plan appears to propose creating a concentrated flow condition, which would have to be engineered to determine if the existing drainage systems has the capacity necessary to accommodate this flow. In addition, this would have to be approved by the City of Rockwall and the Texas Department of Transportation (TXDOT).

<u>NOTES</u>: THE FRONT DOOR IS ASSUMED TO BE THE FRONT OF THE HOUSE SO: [1] FRONT = DRIVEWAY AND FRONT DOOR FACING THE SAME STREET; [2] SIDE = DRIVEWAY IS LOCATED ON ONE OF THE SIDE YARDS WITH THE FRONT DOOR FACING THE FRONT YARD; AND [3] REAR = DRIVEWAY IS AT THE REAR OF THE PROPERTY AND THE FRONT DOOR IS FACING THE FRONT YARD.

THE PROPERTY AND THE FRONT DC		JNT TARD.		
PROPERTY	YEAR BUILT	DRIVEWAY LOCATION	CURRENT USE	MULTIPLE STREET FRONTAGE
307 S. CLARK STREET	1890	FRONT	RESIDENTIAL	NO
302 S. FANNIN STREET	1895	REAR	COMMERCIAL	YES
702 N. GOLIAD STREET	1898	FRONT	COMMERCIAL	NO
912 N. GOLIAD STREET	1893	FRONT	COMMERCIAL	NO
501 KERNODLE STREET	1885	SIDE YARD	RESIDENTIAL	YES
300 MUNSON STREET	1880	FRONT	RESIDENTIAL	YES
402 MUNSON STREET	1885	SIDE YARD	RESIDENTAIL	YES
406 E. RUSK STREET	1890	FRONT	RESIDENTAIL	YES
507 E. RUSK STREET	1890	SIDE YARD	RESIDENTAIL	YES
406 STARR STREET	1896	FRONT AND SIDE YARD	RESIDENTAIL	YES
501 STORRS STREET	1885	FRONT	RESIDENTIAL	YES
602 STORRS STREET	1890	SIDE YARD	RESIDENTIAL	YES
605 WASHINGTON STREET	1895	FRONT	RESIDENTAIL	NO

Subsection 06.03(G)(5), Standards for Approval, of Article 05, District Development Standards, of the Unified Development Code (UDC), states "(t)he Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that ... the application will not adversely affect the character of the site and the proposed work is consistent with the regulations contained in this section [Section 06.03, Historic Overlay (HOV) District, UDC] and proposed preservation criteria [Appendix D, Historic Preservation Guidelines, UDC]." Based on the information contained in this case memo, the proposed driveway approach off of SH-66 appears to not only have the potential to create an unsafe condition by adding an additional driveway onto SH-66, but also provides the applicant with the ability to subdivide the property into additional lots that could affect the character of the subject property. In addition, the driveway request is not consistent with the guidelines contained in the Unified Development Code (UDC) and used to evaluate Certificate of Appropriateness (COA) requests. With all of this being said, the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB). Since the applicant will need to request a variance from both the City of Rockwall's Planning and Zoning Commission and the Texas Department of Transportation (TXDOT), should the Historic Preservation Advisory Board (HPAB) choose to approve the request for a Certificate of Appropriateness (COA) a recommendation for approval would be forwarded to the Planning and Zoning Commission; however, if the Historic Preservation Advisory Board (HPAB) chooses to deny the Certificate of Appropriateness (COA) this case could not move forward to the Planning and Zoning Commission for a variance to the driveway spacing requirements.

### NOTIFICATIONS

On May 6, 2022, staff mailed 30 property owner notifications to all property owners and occupants within 200-feet of the subject property. At the time this case memo was prepared, staff had not received any notices returned regarding the applicant's request.

TABLE 1: DRIVEWAY LOCATION IN RELATION TO THE FRONT DOOR FOR HOME CONSTRUCTED PRIOR TO 1900

### **CONDITIONS OF APPROVAL**

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant will be required to seek approval of a variance from the Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) for driveway spacing.
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 CASE NUMBER: <u>NOTE:</u> THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR HAS SIGNED BELOW. DIRECTOR OF PLANNING:

DATE RECEIVED:

**RECEIVED BY:** 

APPLICATION:

CERTIFICATE OF APPROPRIATENESS (COA)

COAL LANDMARK EVALUATION & DESIGNATION

BUILDING PERMIT WAIVER & REDUCTION PROGRAM

SMALL MATCHING GRANT APPLICATION

SPECIAL DISTRICTS [SELECT APPLICABLE]: COLD TOWN ROCKWALL HISTORIC (OTR) DISTRICT PLANNED DEVELOPMENT DISTRICT 50 (PD-50) SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT DOWNTOWN (DT) DISTRICT CONTRIBUTING STATUS [SELECT APPLICABLE]:

STAFF USE ONLY

CURRENT LAND USE OF THE SUBJECT PROPERTY: RESIDENTIAL

COMMERCIAL

E-MAIL

PROPERTY INFORMATION [PLEASE PRINT] ADDRESS 501 Kernodk SUBDIVISION LOT BLOCK OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED] IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? YES NO APPLICANT(S) IS/ARE: OWNER TENANT NON-PROFIT RESIDENT CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME. OTHER, SPECIFY: OWNER(S) NAME Jennifer's Homes Inc APPLICANT(S) NAME ADDRESS hai 1 19 1 ADDRESS Kun II PHONE 0 PHONE

E-MAIL time d'fuin sesters.com

# SCOPE OF WORK/REASON FOR EVALUATION REQUEST [PLEASE PRINT]

CONSTRUCTION TYPE [CHECK ONE]: EXTERIOR ALTERATION NEW CONSTRUCTION ADDITION DEMOLITION EXTERIOR ALTERATION RELOCATIONS ADDITION DEMOLITION OF THE PROJECT (IF APPLICABLE): \$ 25000

**PROJECT DESCRIPTION.** IN THE SPACE PROVIDED BELOW OR ON A SEPARATE SHEET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE. FOR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTS INDICATE ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY, SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PAST USE(S), ETC. STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE PROPERTY ARE SUBMITTED WITH THIS APPLICATION.

## WNER & APPLICANT STATEMENT [ORIGINAL SIGNATURES REQUIRED] ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. FURTHERMORE, I UNDERSTAND THAT IT IS NECESSARY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING FOR THIS CASE TO BE APPROVED.

OWNER'S SIGNATURE

**APPLICANT'S SIGNATURE** 

HISTORIC PRESERVATION ADVISORY BOARD APPLICATION . CITY OF ROCKWALL . 385 SOUTH GOLIAD STREET . ROCKWALL, TX 75087 . [P] (972) 771-7745





### City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com 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.



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Case Number:H2022-004Case Name:COA for High Contributing PropertyCase Type:HistoricZoning:Single-Family 7 (SF-7) DistrictCase Address:501 Kernodle Street



PRYOR MICA 1036 SIGNAL RIDGE PLACE ROCKWALL, TX 75032

ORTAMOND DONALD J & JANA R 301 MARGARET ST ROCKWALL, TX 75087

> POINTER PRICE 304 WILLIAMS ST ROCKWALL, TX 75087

> MAY PATRICIA A 308 WILLIAMS ST ROCKWALL, TX 75087

PEREIRA ASHLE RENEE 402 WILLIAMS ST ROCKWALL, TX 75087

JENNIFER'S HOMES INC 501 KERNODLE ROCKWALL, TX 75087

SMITH ALAN E & JUDY ROPER SMITH 506 KERNODLE ST ROCKWALL, TX 75087

BROWN JONATHAN R & CHRISTY A 601 KERNODLE ST ROCKWALL, TX 75087

FUNK TED FREDRICK AND REBECCA LYNN 604 KERNODLE ROCKWALL, TX 75087

MULLINS CHRISTOPHER CHARLES AND ARYN ELISE 607 KERNODLE ST ROCKWALL, TX 75087 PLACE LISANNE 1531 ZAPATA DR EL DORADO HILLS, CA 95762

LOFTUS GERALDINE J 302 E MARGARET ST ROCKWALL, TX 75087

MORALES JOSE L JR AND PHUONG A VUONG 306 WILLIAMS ST ROCKWALL, TX 75087

LAURENCE CROSSING LLC 308 FANNIN ROCKWALL, TX 75087

PLACE LISANNE 406 WILLIAMS ST ROCKWALL, TX 75087

BARRON JOSE FELIX & MARIA MERCEDES 502 KERNODLE ST ROCKWALL, TX 75087

> JENNIFER'S HOMES INC 519 E INTERSTATE 30 #442 ROCKWALL, TX 75087

GASKIN STEVE AND MICHAEL FLANARY 602 KERNODLE STREET ROCKWALL, TX 75087

POINTER PRICE 605 NAKOMA DR ROCKWALL, TX 75087

BROWN JONATHAN R & CHRISTY A 7814 KILLARNEY LANE ROWLETT, TX 75089 LAURENCE CROSSING LLC 2500 DISCOVERY BLVD SUITE 300 ROCKWALL, TX 75032

ADAMS-ROMANO KEVIN PATRICK & JULLIAN ROSE 303 WILLIAMS ST ROCKWALL, TX 75087

> LAURENCE CROSSING LLC 306 WILLIAMS ST ROCKWALL, TX 75087

WINES DEBORAH C 310 WILLIAMS ST ROCKWALL, TX 75087

SUMBLIN BEN III ESTATE OF TONI YEAGER, GUARDIAN 501 AUSTIN ST ROCKWALL, TX 75087

SUMBLIN BEN III ESTATE OF TONI YEAGER, GUARDIAN 504 PRESIDIO DR ROCKWALL, TX 75087

HALL DOUGLAS A & MARCI 601 N FANNIN ST ROCKWALL, TX 75087

LOFLAND JANA J 603 AUSTIN ST ROCKWALL, TX 75087

PRYOR MICA 606 KERNODLE ST ROCKWALL, TX 75087

BARRON JOSE FELIX & MARIA MERCEDES 9 PRINGLE LN ROCKWALL, TX 75087

165

## PUBLIC NOTICE

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the Historic Preservation Advisory Board will consider the following application:

### Case No. H2022-004: COA for a 501 Kernodle Street

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness (COA)</u> for a High Contributing Property being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Historic Preservation Advisory Board will hold a public hearing on <u>Thursday, May 19, 2022 at 6:00</u> <u>PM</u>. This hearing will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Ryan Miller Rockwall Planning and Zoning Dept. 385 S. Goliad Street Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by <u>Thursday, May 19, 2022 at 4:00 PM</u> to ensure they are included in the information provided to the Historic Preservation Advisory Board.

Sincerely,

Ryan Miller, AICP Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites.google.com/site/rockwallplanning/development/development-cases

- - PLEASE RETURN THE BELOW FORM -

### Case No. H2022-004: COA for 501 Kernodle Street

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

Name:

Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE





## PUBLIC NOTICE

CITY OF ROCKWALL PLANNING AND ZONING DEPARTMENT PHONE: (972) 771-7745 EMAIL: PLANNING@ROCKWALL.COM

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Director of Planning & Zoning

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- - PLEASE RETURN THE BELOW FORM

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Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

I AGREE WITH OITY STAFF THAT THE DRIVEWAY DOELS NOT MENEMUM STANDARDS ESTABLESHED BY CITY OF ROCKUPPUL AND TXDOT. IT WOULD CREATE AN LWSAFE CONDITION TO THE ROADWAY. PREVEWAY IS NOT NEEDED TO FIX Name: DONALD ORTAMOND DRASNAGE. Address: 301 MARGARET

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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CITY OF ROCKWALL • PLANNING AND ZONING DEPARTMENT • 385 S. GOLIAD STREET • ROCKWALL, TEXAS 75087 • P: (972) 771-7745 • E: PLANNING@ROCKWALL.COM



## PUBLIC NOTICE 🥶

CITY OF ROCKWALL PLANNING AND ZONING DEPARTMENT PHONE: (972) 771-7745 EMAIL: PLANNING@ROCKWALL.COM

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Sincerely,

### Ryan Miller, AICP

**Director of Planning & Zoning** 

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PLEASE RETURN THE BELOW FORM

Case No. H2022-004: COA for 501 Kernodle Street

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

X I am opposed to the request for the reasons listed below.

The 66 turn at Williams and Fannin is very dangereus. Adding a driveway with Cars trying to enter at that turn will result in more collisions and injuries, I do not approve sub dividing this property ug Hall Name: i N. Fannin St. Rockwall Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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### Lee, Henry

From:	Taylor Pointer <taylorpointer@gmail.com></taylorpointer@gmail.com>
Sent:	Tuesday, May 17, 2022 2:13 PM
То:	Planning
Subject:	Case no H2022-004 COA for 501 kernodle st

We oppose the request because we want to maintain the historical integrity of the neighborhood. We also don't want to see this property (or any property along this stretch of Williams St) to go commercial. Thank you, Taylor and Price Pointer 304 Williams St.

Sent from my iPhone

This email was scanned by Bitdefender

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ŀj₹≂ te eroww Farmers and merchants national Bank 200  $\infty$ 96 Addition to The town of Rockwall Scale 200 fetto 1 inch. 38 200 96 200 Comilico Sta 50 ph



10 1.8 200 <u>200</u> 200. 30 LA: 22 5 200 200 State of Leyous Rochwall County & Anow all men by these presents! That I'm & Sistin President of The Parmer & Merchants rational Bank of Rochwall do adopt this plat: and the mape of the Fam and and merchants hational Raints addition to said, town of-Rochinall'& do dedicate to The isl of the public The Streets Allies as showing lough filth Sweniander my hand at Rochwall Deas this Sept. 14th / 896 m's Austin Beeident AV m hat Bank of Rockhwall Dudo The State of Deras Courty of Rockwall & Defone mie mark in Eoulitey County Clerter in and for eard County on this day perconally appeared mys, Surtin. Presudentiff & no nat Bank known to me to bethe



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin

Page	No	
0		2
Block	No	6

Subdivision or Addition F. & M. BANK

MCGINTIE PRESS-DALLAS



10 Fd



PAGE NO. \_\_\_\_

BLOCK NO. 2

### F & M NAT. BANK ADD.

SUB-DIVISION OR ADDITION

Steck-Austin-353-500-78637								
YEAR	TRACT	TRACT OWNER	DESCRIPTION		VALUATION			
					LAND	IMPROVEMENTS	TOTAL	
1969		Sheiman, mike		<i>A</i>				
1982	1	Sheeman, mike	85' × 170					
		l .						
1968		And B Perke	E 1/2 of Blk 2	3)				
Mand		Butter Que A	n the or prive of	/				
1977		Buttgen, James D.						
		0 0	۵.					
1959		Hal Phelps Aichola Shelma Kemmerling H. Wayn	SW 1/4 of Blk. 2	0				
1976		Dichola Tholma		1				
1978		Kimmerlin Hildun	0					
4126		in and a strange	-					
		. 0						
		-						



Dear Board Members,

Today, I come before you to request a Certificate of Appropriateness (COA) to install a driveway from the rear of my garage to Williams Street. I am fully aware that this is just one of three steps to the process. The first step (COA) only allows the Planning and Zoning Commission to consider this request. If, and only if, I can pass the P&Z process, I understand I would still need Tx DOT approval. Much of this is going to be difficult, but it is needed in order to protect the structure.

As you can see in the attachments, TX DOT has installed an inlet on the SE corner of what was originally Block 2 of the Farmers and Merchants addition. When viewing the contour diagrams provided by the City, you will see the current lot drainage forces all water from more than 1.3 acres of land under the historic property located at 501 Kernodle.

You have a duty to protect and preserve this property. You have a duty to act in a professional manner. If you cannot put aside your personal relationships with opposition to this plan, you should recuse yourself or resign.

Scientifically, this plan is required.

- I plan to attempt to relocate the "greenhouse" and cut a 2' deep and 3' wide drainage swell N and S along the property. This will stop what is known as "lot to lot" drainage.
- The sidewalk along Williams will cross the driveway, as is customary in residential neighborhoods.
- There will be a drainage relief inlet and pipe under the driveway. Possibly a culvert. This will allow the water to run West to East along Williams to the inlet. Ultimately TX DOT would have the final say on that.
- We will cut another drainage relief trench West to East that will be 3' deep on the west side and only 6" deep on the East. It will be a 3 foot wide relief.

This plan specifically addresses preserving a highly contributing property, and as such, dictates the board approves and supports this plan.

Thank you.



1911: Driveway could not have been in current gravel area according to map and structures present. Given orientation of porch, carriages/vehicles most likely would have entered the home from Williams. Specifically given the clear "dividing line" present on both maps and location of barn/stable.



1934: 302 Margaret is represented. Driveway could not have been in current gravel area according to map and structures present. Given orientation of porch, carriages most likely would have entered the home from Williams. Specifically given the clear "dividing line" present on both maps and location of barn/stables.





Current topography shows the location of the inlet and lack of drainage areas is pushing an acre of water under the home. Proposal would only require removal of one tree for driveway. A Crape Myrtle which we will attempt to transplant





Site plan subject to engineering and approval.

Greenhouse relocated if it doesn't fall apart.



### CITY OF ROCKWALL HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

PLANNING AND ZONING DEPARTMENT 385 S. GOLIAD STREET • ROCKWALL, TX 75087 PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO:	Historic Preservation Advisory Board
DATE:	April 21, 2022
APPLICANT:	Tim Herriage
CASE NUMBER:	H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

### **SUMMARY**

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness</u> (<u>COA</u>) for a <u>High Contributing Property</u> being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

### BACKGROUND

The structure at 501 Kernodle Street was constructed in 1885 by M. H. McCoy. Mr. McCoy was a local businessman who also owned Rockwall's first hardware store and later became a prominent banker. The home was purchased by Jim and Pat Buttgen in 1977. During their tenure in the house the Buttgen's completed several remodels of the home including: [1] finishing the attic into a large bedroom and bathroom, [2] added a den to the lower level, [3] restoration of the pine floors throughout the home, and [4] added kitchen cabinets. During the remodel of the home, the Buttgens discovered the remains of a unique underground watering system invented by Mr. McCoy. According to the 2017 Historic Resource Survey, the house was constructed in a *Modified L-Plan* with *Folk Victorian* style influences and is classified as a *High Contributing Property*. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is the 2,152 SF single-family home that was constructed in



FIGURE 1: AUGUST 10, 2012

1885, two (2) covered porches -- *being 176 SF and 476 SF* -- constructed in 1885, a 100 SF gazebo constructed in 1980, and a 480 SF detached garage constructed in 1986.

### PURPOSE

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of: [1] demolishing the 176 SF porch situated on the north side of the primary structure, and [2] constructing a new driveway off of Williams Street that does <u>not</u> meet the minimum standards stipulated by the Texas Department of Transportation (TXDOT) or the City.

### ADJACENT LAND USES AND ACCESS

The subject property is located at 501 Kernodle Street. The land uses adjacent to the subject property are as follows:

<u>North</u>: Directly north of the subject property is Margaret Street, which is identified as a R2U (*residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 0.43-acre parcel of land (*i.e. 601 Kenodle Street*) zoned Single-Family 7 (SF-7) District, and identified as a *Non-Contributing Property*. Beyond this are the boundaries of the Old Town Rockwall
(OTR) Historic District followed by several parcels of land developed with single-family homes that are zoned Single-Family 7 (SF-7) District.

- South: Directly south of the subject is Williams Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 306, 308, and 310 Williams Street*) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. 306 & 310 Williams Street are classified as *Low Contributing Properties* and 308 Williams Street is classified as *Low Contributing Property*. Beyond this is *Lofland Park*, which is a 1.377-acre public park.
- *East*: Directly east of the subject property Kernodle Street, which is identified as a R2U (*residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 502 and 506 Kernodle Street and 501 Austin Street*) developed with single-family homes. All of these properties are zoned Single-Family 7 (SF-7) District, are located within the Old Town Rockwall Historic District, and are designated as *Non-Contributing Properties*. Beyond this is Austin Street, which is identified as a R2U (*residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 501 Williams Street, which is zoned Single-Family 7 (SF-7) District and is classified as a *Non-Contributing Property*.
- <u>West</u>: Directly west of the subject property are two (2) parcels of land (*i.e. 302 and 303 N. Fannin Street*) developed with single-family homes zoned Single-Family 7 (SF-7) District. 303 N. Fannin Street is classified as a *Medium Contributing Property* and 302 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 405, 503 & 601 N. Fannin Street*) developed with single-family homes and zoned Single-Family 7 (SF-7) District. 405 & 503 N. Fannin Street are classified as *Non-Contributing Properties* and 601 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District.



FIGURE 2: LOCATION MAP

#### CHARACTERISTICS OF THE PROJECT

The applicant -- Tim Herriage -- recently purchased the subject property and is in the process of remodeling the single-family home on the subject property. As part of the remodel the applicant is proposing to [1] demolish an existing 176 SF covered porch and [2] construct a driveway approach off of Williams Street. The 176 SF covered porch is situated on the northside of the existing single-family home. According to the Rockwall Central Appraisal District (RCAD) the covered porch was constructed in 1885; however, based on the 1911 & 1934 Sanborn Maps the covered porch was not constructed as of April 1934. Staff has verified that the covered porch has been situated on the subject property since prior to 1977 based on historic records of the property. The applicant is proposing to remove this porch and create a standard 18-inch roof overhang (see Figure 5 for an image of the covered porch). According to the applicant's letter the reason that the demolition is being requested is to facilitate drainage improvements on the property, and to allow the future subdivision of the subject property into "...as many as four total [lots], or as little as two [lots]."





FIGURE 3: 1911 SANBORN MAPS



FIGURE 4: 1934 SANBORN MAPS

constructed with concrete. This driveway would be necessary if the applicant is proposing to subdivide the lot in the future. Currently, the property is served from Margert Street.



FIGURE 5: COVERED PORCH TO BE REMOVED

FIGURE 6: PROPOSED DRIVEWAY LOCATION

#### CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), *Certificate of Appropriateness (COA) for Alteration or New Construction*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [*Historic Overlay (HOV) District*] shall apply only to those properties ... which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by *Subsection B* or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, is designated as a *High Contributing Property*, and is directly adjacent to two (2) contributing properties (*i.e. 302 Margaret Street which is a High Contributing Property and 303 N. Fannin Street which is a Medium Contributing Property*). This section of the ordinance goes on to list specific examples of projects where a Certificate of Appropriateness (COA) is required; "...examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property [*include:*] ...(b) Demolition or removal of an existing structure... [*and*] (c) alterations to the façade, including additions and removals that will be visible from a public street...". The two (2) projects proposed by the

applicant (*i.e. the addition of a new concrete driveway and demolition of an existing covered porch*) are projects that require a Certificate of Appropriateness (COA).

Looking at the proposed demolition of the 176 SF covered porch, Section 10, *Demolition Criteria*, of Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) states:

"Demolition of a structure which contributes historically or architecturally to the Historic District should be prohibited, except as provided below. Demolition of a structure would be allowed if:

- (a) The building has lost its architectural and historical integrity and importance, and its removal will not result in a negative, less appropriate visual effect on the Historic District; or
- (b) A structure does not contribute to the historical or architectural character and importance of the Historic District (*e.g. a Non-Contributing Structure*), and its removal will result in a positive, appropriate visual effect on the Historic District; or
- (c) There is an imminent threat to the health, safety and welfare to the surrounding residents and/or property because of an unsafe condition that constitutes an emergency (see Section 11, Demolition by Neglect)."

In this case, staff has established that the covered porch is not original to the single-family home that was constructed in 1885. Based on the dates estimated by staff (*i.e. that the covered porch was constructed after 1934 but prior to 1977*), the covered porch does not appear to be architecturally and historically significant to the existing single-family home, and the removal of the structure would bring the property closer into conformance with original structure constructed by M. H. McCoy.

With regard to the proposed driveway, the applicant has submitted a site plan showing that the drive approach will be constructed on the side yard of the subject property off of Williams Street (*i.e. SH-66*). According to Section 07, *Building Standards*, of Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC), "(u)nless previously used for a driveway, the side yard is to be used for landscaping with the purpose of enhancing the structure with plant materials." In addition, this section goes on to state that "the driveway should not exceed a width of ten (10) feet …" [*and*] "… (o)n a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street." In this case, the garage on the subject property was constructed in 1980, faces towards the rear property line, and takes access from Margaret Street.

Staff is also obligated to point out that the applicant's request of setting the driveway 140-feet from the intersection of Kernodle Street and Margaret Street does not meet the minimum standards established by the City of Rockwall and the Texas Department of Transportation (TXDOT). Specifically, the City's Engineering Standards of Design and Construction Manual stipulates a minimum driveway spacing of 200-feet from the intersection of a Collector (i.e. SH-66 or Williams Street) and Local (i.e. Kernodle Street), and the Texas Department of Transportation's (TXDOT's) Access Management Manual requires a minimum spacing for driveways of 200-feet for State Highways with a posted speed of 30 MPH. The applicant has stated in his letter that there are currently seven (7) driveways within 200-feet of the subject property that take access onto SH-66. It should be noted that there are actually only six (6) residential driveways within 200-feet of the subject property, and that all but one (1) driveway is located on the southside of SH-66. The subject property is currently on the northside of SH-66. Staff should also point out that these homes were constructed in 1905, 1918, 1939, 1975, 1985, and 1991, well before the current traffic volumes carried by this roadway were established, and that many of the properties on the southside of SH-66 only have the ability to access SH-66. The subject property has the ability to access both Kernodle Street and Margaret Street, which are smaller roadways intended to carry residential traffic. It is also worth mentioning that no new driveways have been permitted onto SH-66 in this area since 1991. Staff did request that the Police Department provide a list of vehicular accidents in the area between N. Fannin Street and Kernodle Street from 2020 to present, and was provided with a report of five (5) separate vehicular accident reports in this block (i.e. one [1] from 2020, two [2] from 2021, and two [2] from 2022). Since the applicant will need to request a variance from both the City of Rockwall's Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) before being able to proceed with construction, the Historic Preservation Advisory Board (HPAB) would be providing a recommendation through the action taken in this Certificate of Appropriateness (COA) case.

Subsection 06.03(G)(5), *Standards for Approval*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), states "(t)he Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that ... the application will not adversely affect the character of the site and the proposed work is consistent with the regulations contained in this section [*Section 06.03, Historic Overlay (HOV) District, UDC*] and proposed preservation criteria [*Appendix D, Historic Preservation Guidelines, UDC*]." As stated above, the proposed demolition of the covered porch does not appear to change the essential character of the subject property; however, the proposed driveway approach off of SH-

66 appears to not only have the potential to create an unsafe condition by adding an additional driveway on SH-66, but also provides the applicant with the ability to subdivide the property into additional lots that could affect the character of the subject property. In addition, the driveway request is not consistent with the regulations contained in the Unified Development Code (UDC). With this being said, the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB).

#### **CONDITIONS OF APPROVAL**

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant will be required to seek approval of a variance from the Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) for driveway spacing.
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

	HISTORIC PRESERVATION A BOARD APPLICATION City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087	ADVISORY	- STAFF USE ONLY CASE NUMBE <u>NOTE:</u> THE APPLICATION IS NO CITY UNTIL THE PLANNING DIF DIRECTOR OF PLANNIN DATE RECEIVE RECEIVED B	DT CONSIDERED ACCEPTED BY THE RECTOR HAS SIGNED BELOW. G: D:
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## City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com 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.













Dear Board Members,

I am the owner of 501 Kernodle St, Rockwall, TX 75087. This property was developed more than 150 years ago and currently sits on just shy of an acre of land. While this was common in 1883, it is no longer common today nor is it sustainable. This is in large part due to poor drainage on the property that has been caused by the elevation of Margaret and Kernodle Streets. Significant lot drainage modifications need to be undertaken to mitigate further damage and degradation of the historic home at this site. The most impactful is the relocation of the long gravel driveway. Replacing this driveway with a concrete alternative on Williams. This will allow a swale to be cut from West to East. This swale is needed in order to divert the storm water that drains from the City streets onto the property, and under the historic home. These streets are higher than the property's foundation.

It is our intention to restore and protect this historical property and put it on a course to be maintained for another century. To date, we have literally dug the home out of the ground. We have installed a \$10,000 French drain and sump pump system to protect the home from the watershed that is occurring.

Our plan is to subdivide this property into multiple properties. This could be as many as four total, or as little as two. We believe this will put the property on a path to preservation and create a maintenance and upkeep situation that is sustainable for another century.

We cannot continue with our subdivision and drainage planning without first requesting the variance we seek today. We are requesting a waiver and variance of the City of Rockwall and the Texas Department of Transportation minimum entrance spacing. The approximate spacing I am requesting is 140' on each side vs the 200' minimum. This request is consistent with the neighborhood, area, and the immediate vicinity. In fact, there are 7 driveways within 200 feet of the proposed site.

In my attached site plan, I have modified the original plan to accommodate the City of Rockwall's safety concerns. This new plan only allows entrance and exit into or from the westbound lane. This plan also allows for adequate turning radius and back up aprons, which will prevent the need and ability to reverse onto Williams.

Upon approval of this variance and the associated permit, we will finalize and submit a subdivision plan and our drainage improvement plans. These plans will address the drainage issues associated with the current lot plan – which will further protect the unique historical home we own.

As multigenerational residents, citizens, and property owners of the City of Rockwall and Rockwall County, it is our goal to increase property values, maintain the unique and historical nature of this property, and create more housing options within this highly desirable area.

Sincerely, Tim Henriage and Jennifer Raney Herriage Jennifer's Homes, Inc





EXCEPTIONS:		NOTES: NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS		
	NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN CAB. F, SLD. 221 EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 1349, PG. 286	OTHERWISE NOTED. FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.		
		This survey is made in conjunction with the information provided by Independence Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.		
		Drawn By: <u>BVM/SRG</u> Scale: <u>1" = 30'</u> Date: <u>07-23-2021</u> Understand Distributed and Subary Cost of the State		
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## MEMORANDUM

- TO: Mayor and Council Members
- FROM: Mary Smith, City Manager

DATE: June 2, 2022

# SUBJECT: Wholesale Supply Contract Second Amendment and Related Agreements – Blackland WSC

The City supplies wholesale water to Blackland Water Supply Corporation (Blackland) under a long-standing agreement. Staff has completed negotiations on an agreement providing continued wholesale service through 2024 with an optional one-year renewal. During this time, Blackland's Board is working to become a direct customer of the North Texas Municipal Water District (NTMWD) by establishing a direct connection to their system ending our relationship as their wholesale provider. The following items are included in the attached agreements for Council's consideration.

Second Amendment highlights:

- NTMWD has approved adding Blackland as a direct customer.
- Blackland will be diligently working to design and construct the pump station to establish their connection point on SH66 and run transmission lines to their customers. Most of their customers are in the SH276 vicinity. All costs associated with the switch to direct connection to NTMWD will be borne by Blackland.
- The maximum volume of water ever purchased by Blackland as our wholesale customer will be transferred from our NTMWD minimums to their at the transition date.
- Blackland will be allowed to increase their maximum connections by about 600 during the period they remain on our system.

Airport Road Transfer Agreement highlights:

- Inside Rockwall city limits (north of I-30) Blackland will transfer the right to serve the area under this agreement.
- We will have to work through the PUCT transfer process but will take several months. This area was annexed into the City in 1998 and we've been trying to get Blackland to agree to the transfer since that time. In addition, a small number of customers at I-30 and FM549 would be transferred to Rockwall water service.
- Rockwall will acquire Blackland's pump station on Airport Road to maintain adequate pressures.

Transfer Agreement SH276 area

- Any areas of the City currently inside the City limits but beyond our ability to serve will be served by Blackland. Blackland agrees to collect our garbage and sewer bills (if applicable).
- At the time that our service capability extends that far then the City and Blackland will begin the transfer process. Emerson Farms on Dowell Road for example.

City staff has much appreciated the good working relationship that has developed over the last year under Blackland Manager Scott Muckensturm's leadership. This agreement has been a long time coming.

Staff asks Council to consider authorizing the City Manager to execute the Second Amendment, and the related Transfer of Service agreements.

### SECOND AMENDMENT TO WHOLESALE WATER PURCHASE AGREEMENT BETWEEN THE CITY OF ROCKWALL AND BLACKLAND WATER SUPPLY CORPORATION

This Second Amendment to Wholesale Water Supply Agreement Between the City of Rockwall and Blackland Water Supply Corporation (this "Second Amendment") is made and entered into by and between the City of Rockwall, Texas (hereinafter called "Rockwall") and Blackland Water Supply Corporation (hereinafter called "Blackland"). Collectively, Rockwall and Blackland are referred to herein as the Parties.

#### RECITALS

Whereas, Rockwall and Blackland entered into that certain Wholesale Water Purchase Agreement, dated December 13, 2007 (the "Original Agreement") and a First Amendment to Wholesale Water Purchase Agreement, dated December 15, 2014 (the "First Amendment");

Whereas, Rockwall is a Member City of North Texas Municipal Water District ("NTMWD") and purchases potable water from NTMWD pursuant to the North Texas Municipal Water District Regional Water Supply Facilities Amendatory Contract (the "Regional Contract");

Whereas, pursuant to the Regional Contract, Rockwall may reduce its annual minimum quantity of water purchased from NTMWD if an entity Rockwall serves, in lieu of purchasing water from Rockwall, enters into a potable water supply contract with NTMWD;

Whereas, Blackland has entered into a Potable Water Supply Contract ("Blackland Water Contract") with NTMWD dated \_\_\_\_\_\_, 2021, whereby NTMWD agrees to sell water directly to Blackland once Blackland completes construction of the required water distribution, storage and pump station facilities necessary to connect to the NTMWD system;

Whereas, the Parties desire to extend the term of the Original Agreement, as amended, to provide Blackland additional time necessary to connect directly to the NTMWD system. The term will be extended to the earlier of(i) three (3) years with Blackland having the right to extend for one (1) additional year, subject to the conditions set forth herein, or (ii) the date that Blackland and NTMWD provide written notice to Rockwall that NTMWD is providing water directly to Blackland through the Blackland Water Contract;

Whereas, in the Blackland Water Contract, NTMWD agrees that once Blackland commences taking water pursuant to the Blackland Water Contract, NTMWD will reduce Rockwall's annual minimum purchased pursuant to the Regional Contract by 178,035,730 gallons of water, which reduction will be increased if the usage through the Green Pump Station meter increases prior to the termination of the Original Agreement resulting in a higher annual minimum for Rockwall;

Whereas, the Parties desire to further amend the Original Agreement, as previously amended, to acknowledge the agreed reduction in the annual minimum payments that Rockwall will pay NTMWD following the expiration of the Original Agreement when Blackland begins taking water directly from NTMWD;

Whereas, the Parties further desire to increase the maximum flow and number of additional connections to Blackland's system during the next three (3) years, or four (4) years if the Original Agreement, as amended, is extended until December 31, 2025 based upon the number of additional connections to Blackland's system that have occurred since the First Amendment was signed;

Whereas, the Parties desire to amend the Original Agreement, as amended, to delete the provisions relating to Rockwall's acquisition of Blackland's service area north of Interstate 30 which is addressed in a separate agreement executed contemporaneously with this Second Amendment; and

Whereas, the Parties desire to amend the Original Agreement, as amended, to supplement the provisions relating to fire flows.

NOW, THEREFORE, in consideration of the mutual covenants, obligations, and benefits set forth in this Agreement, Rockwall and Blackland agree to amend the Original Agreement, as amended by the First Amendment, as follows:

1. Amendments relating to extending the Original Agreement, as amended, for three years with an option to renew for one-year subject to certain conditions:

A. Section 3 is amended by replacing the date "December 31, 2019" in two places with the date "December 31, 2024."

B. Section 3, as amended, is further amended by revising the last sentence as added by the First Amendment to read as follows:

Blackland may extend this Agreement for a single one-year term beginning January 1, 2025, and extending to December 31, 2025, by providing Rockwall notice of Blackland's intent to extend the Agreement on or before June 30, 2024, provided the following events or conditions have occurred prior to June 30, 2024:

(i) The Blackland Water Contract by and between Blackland and NTMWD is still in full force and effect and has not been modified except as approved by Rockwall if any such modification affects the reduction of the historic maximum water use by Rockwall attributable to Blackland in accordance with Section 2(b) of the Original Agreement; and

(ii) Blackland has acquired the right of way, obtained the funds, award the construction contract(s), issued the notice to proceed with construction, and has actually started the installation of the facilities required to take water directly from NTMWD. C. Section 3, as amended, is further amended by inserting the following:

Rockwall's obligation under this Agreement to supply water to Blackland and Blackland's right to take water from Rockwall will terminate upon the earlier to occur of the following:

(i) December 31, 2024, unless this Agreement is extended until December 31, 2025; or

(ii) Blackland begins receiving water directly from NTMWD pursuant to the terms of the Blackland Water Contract, other than water used for testing of the facilities installed to receive water directly from NTMWD.

The Parties agree that, in the event that NTMWD does not agree or implement the reduction of Rockwall's annual minimum as described in the recitals to this Agreement, Blackland's obligation to pay Rockwall the annual minimum attributable to Blackland's use of water pursuant to Section 2 of the Original Agreement, as amended by this Second Amendment, shall survive the termination of the delivery of water and continue for so long as the payments are required to be made pursuant to Section 2 of the Original Agreement, as amended.

2. Amendments relating to maximum annual demand:

A. Section 4 is amended by replacing the existing table or chart with the following Table or chart:

From the Effective Date of this Second Amendment (as set forth above the signatures to this Agreement) until the transfer by Blackland to Rockwall of the service area and customers located north of IH-30 pursuant to a separate agreement relating to the transfer entered into contemporaneously with this Second Amendment and defined therein as the "Airport Road Service Area" and the "FM 549/IH 30 Service Area":

Name/location of existing delivery point	Maximum daily demand (any consecutive 24- hours)	Instantaneous rate of flow, not to exceed, at any time	Maximum equivalent residential connections*
Airport Road Station	0.20 mgd	0.20 mgd	124
Green Pump Station	1.6 mgd	1.6 mgd	1,582
FM 549/IH 30	0.005 mgd	0.005 mgd	5

\*Except for the FM 549/IH 30 delivery point, the maximum number of equivalent residential connections shall equal to the lesser of either (i) the maximum daily rate of flow divided by 0.6 gpm or (ii) the storage available to Blackland within the portion of the distribution served by the delivery point divided by 300 gallons for each connection or equivalent connection within the portion of the distribution system served by the delivery point.

From the date of the closing of the transfer by Blackland to Rockwall of the service area and customers located in the Airport Road Service Area and the FM 549/IH 30 Service Area pursuant to a separate agreement entered into contemporaneously with this Second Amendment and the expiration of the Original Agreement, as amended by the First Amendment and this Second Amendment:

of existing	Maximum daily demand (any	Instantaneous rate of flow, not to	Maximum equivalent
delivery point	consecutive 24- hours)	exceed, at any time	residential connections*
Green Pump Station	2.04 mgd	2,138 gpm	2,200

\*The maximum number of equivalent residential connections shall equal to the lesser of either (i) the maximum daily rate of flow divided by 0.6 gpm or (ii) the storage available to Blackland within the portion of the distribution served by the delivery point divided by 300 gallons for each connection or equivalent connection within the portion of the distribution system served by the delivery point.

The number of equivalent residential connections will be determined in accordance with the TCEQ's Guidance Document captioned "Determining Connections and Populations Served for Public Water Systems," dated January 2019.

B. Section 6 is deleted in its entirety and the following sentence inserted, so that section 6, as amended, states "Blackland must notify the City of Rockwall Public Works Department immediately of any occurrence or discovery in their system that could materially adversely affect Rockwall's water supply."

3. Amendments relating to NTMWD payments. Section 2 of the Original Agreement is amended as follows:

A. Amend subsection (c) to read as follows:

(c) If NTMWD does not comply with the terms of the Blackland Water Contract and reduce Rockwall's "take-or-pay" amount as requested in Section 2(b) herein, Blackland will reimburse Rockwall for the portion of the "take-or-pay" amount paid by Rockwall that is attributable to Blackland's maximum annual use of water during the term of this Agreement, as amended. The Parties acknowledge and agree that as the amount of water Rockwall takes from NTMWD increases, any reimbursements Blackland is required to make under this Section shall correspondingly be reduced.

B. Amend subsection (e) to read as follows:

(e) Blackland's obligation to make payments pursuant to this Section shall terminate when Rockwall is no longer required by NTMWD to pay for water that Rockwall does not take due to Blackland obtaining water directly from NTMWD. This obligation shall survive the expiration of this Agreement.

C. Add a new subsection (f) to read as follows:

(f) Rockwall and Blackland agree that Blackland's historic maximum annual take prior to the Effective Date of this Second Amendment equals 178,035,730 gallons. This is the amount that shall be used to determine the reduction in Rockwall's maximum annual historic take for the purposes of the reduction in the amount of the annual payment due by Rockwall to NTMWD or the proportionate share of the annual payment due NTMWD by Rockwall to be paid by Blackland should NTMWD fail to reduce Rockwall's historic maximum take once Blackland begins receiving water directly from NTMWD. Provided, however, if Blackland takes more than the amount of water specified above between the Effective Date of the Second Amendment and the expiration of the Original Agreement, as amended, the larger amount shall be used.

4. Amendments based upon acquisition of service area north of Interstate 30. Section 13, captioned Special Conditions, is amended by deleting subsection B in its entirety.

5. Amendments Relating to Fire Flows. Section 13 (C), as added by the First Amendment, is amended by adding subsection 7 to read as follows:

7. Blackland must cause its facilities located within residential subdivisions in the City's corporate limits and extraterritorial jurisdiction designed after January 1, 2020 to be designed, constructed, and operated in accordance with the International Fire Code Appendix B for fire flow requirements. Blackland must have third -party verification of the flows and pressures in any additional water system installed by Blackland after January 1, 2020. Upon demand by Rockwall, Blackland must supply the Rockwall Fire Department with all required state maintenance records of all fire hydrants and any future fire hydrants. This requirement shall survive the expiration or termination of this Agreement.

6. Amendments to General Provisions. Section 14 is amended by adding the following subsections:

O. <u>No Third-Party Beneficiaries</u>. The duties set forth above are duties of the parties to this Agreement- to one another only, solely for their mutual benefit, and it is the express intention of the parties that these duties are not enforceable by any third party or alleged third party beneficiary.

P. <u>Authority</u>. The execution, delivery and performance of this Agreement, as amended, has been duly authorized by all necessary action on the part of governing body of each of the Parties and the person executing this Agreement on behalf of a Party has been fully authorized and empowered to bind the Party to the terms and provisions of this Agreement.

7. Address for Notice to the City. Pursuant to Section 14 (D), the address for notice to the City shall be changed to the following:

City Manager City of Rockwall, Texas 385 S. Goliad Rockwall, Texas 75087 (972) 771-7700

This Second Amendment is effective as of the date this Second Amendment is signed by the City of Rockwall (the "Effective Date").

IN WITNESS WHEREOF, EXECUTED by Blackland Water Supply Corporation and the City of Rockwall under the authority of their respective governing bodies in Duplicate Originals on the dates indicated below.

Remainder of Page Intentionally Left Blank

Signature Page to Follow

Signature Page to Second Amendment to Water Supply Agreement Between City of Rockwall and Blackland Water Supply Corporation:

Jason McKinney President, Board of Directors Blackland Water Supply Corporation Date: 4-28-22-

ATTEST: By: 1 -/JT Virdell Secretary, Board of Directors

Mary Smith City Manager, City of Rockwall Date:

### ATTEST:

By:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

By:\_

Frank Garza, City Attorney

### AGREEMENT BETWEEN CITY OF ROCKWALL AND BLACKLAND WATER SUPPLY CORPORATION REGARDING TRANSFER OF PORTIONS OF RETAIL WATER SERVICE AREA, CUSTOMERS AND WATER SYSTEM FACILITIES FOR THE AIRPORT SERVICE AREA, THE FM 549/IH30 SERVICE AREAS, TOGETHER WITH BLACKLAND'S "AIRPORT ROAD PUMP STATION"

This Agreement to Transfer Portions of Retail Water Service Area, Customers and Certain Water System Facilities (the "Agreement") is made and entered into by and between Blackland Water Supply Corporation ("Blackland") and the City of Rockwall, Texas ("Rockwall"). Blackland and Rockwall may be referred to herein collectively as the "Parties" and individually as a "Party."

#### RECITALS

WHEREAS, Blackland is a non-profit water supply corporation, organized and operating pursuant to Chapter 67 of the Texas Water Code, which holds Certificate of Convenience and Necessity ("CCN") No. 11305, and owns water facilities, transmission lines, and distribution lines in Rockwall County, and provides retail water service to customers within its certificated service area;

WHEREAS, Rockwall is a Texas Home Rule City located in Rockwall County and owns and operates a water system to supply potable water to residents of the City and does not hold and is not required to hold, a certificate of convenience and necessity;

WHEREAS, Rockwall desires to acquire the exclusive retail water service rights from Blackland for two (2) areas located within Blackland's CCN area, together with the water system facilities used and useful by Blackland to serve the transferred areas, and Blackland's Airport Pump Station and all fixtures and equipment within the site, all being more fully described in more detail in this Agreement; and

WHEREAS, in accordance with Texas Water Code, Sections 13.255, 13.251, and 13.301 the Texas Public Utility Commission ("PUCT") must approve any transfer of service areas, customers, and facilities.

#### AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises expressed herein and other good and valuable consideration, the sufficiency of which is acknowledged by the Parties, Blackland and Rockwall agree as follows:

1. <u>Transfer Area</u>. Blackland shall transfer to Rockwall the following four service areas:

<u>Airport Road Service Area</u>: All of Blackland's service area north of IH-30, containing approximately 329.406 acres with approximately 124 existing service connections, together with the water distribution system facilities within and to the area and the existing customers, as shown on the aerial photograph attached as Exhibit "A.";

FM 549/IH30 Service Area: All of Blackland's service area served by the water delivery

point referred to by the Parties as the "FM 549/IH30 Service Area" containing approximately 8.562 acres," with approximately five (5) existing customers, and the water distribution system to and within the area and used and useful in serving the area and the existing connections, such area being shown on the aerial photograph attached as Exhibit "A.";

together with the existing and future service connections and customers within each of the service areas, including but not limited to CCN rights and the right, as between Rockwall and Blackland, to be the exclusive retail water service provider, together with the obligation to provide water service that Blackland may have within the four areas listed in the caption of this Agreement and shown as the cross-hatched areas on the aerial photograph attached as Exhibit "A," hereinafter the four service areas shall be referred to collectively as the "Transfer Area."

2. <u>Water Facilities</u>. The Water Facilities to be transferred by Blackland to Rockwall consists of all the water distribution system (pipes, hydrants, valves, fittings, meters meter boxes, easements, permits, approvals, manuals, warranty and plans) located within the Transfer Area and the water system improvements used and useful by Blackland in providing water service to and within the Transfer Area, together with all land, easements, rights-of-way, permits, approval, and plans relating to such facilities, hereinafter referred to as the "Water Facilities."

3. <u>Airport Road Pump Station</u>. Blackland shall transfer to Rockwall the facility referred to by the Parties as the Airport Road Pump Station, including but not limited to fee simple title to the 0.88 acre tract, more or less, and identified as Parcel No. 45334 by the Rockwall County Appraisal District, and all facilities located within or on the site, including tanks, piping, pumps, wiring, controls, SCADA connections, meters, valves, generators and fuel, chemicals, fencing, permits, approvals, manuals, spare parts and inventory, warranties and plans, hereinafter referred to as "Airport Road Pump Station."

4. <u>Compensation to Blackland</u>. To compensate Blackland for the loss of revenue and service rights in the Transfer Area, and the acquisition of the Water Facilities, and Airport Road Pump Station, and any and all damages that Blackland may suffer as a result of the transfer, if any, Rockwall shall pay to Blackland the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 dollars (\$175,000.00), such payment shall be made in a single lump-sum payment at the closing.

5. <u>Closing</u>. The closing will occur at the Rockwall municipal offices on or before the later of (i) sixty (60) days from the date of this Agreement, (ii) thirty (30) days after the PUCT issues the order approving the transfer of the Transfer Area, or (iii) such other mutually acceptable time and place after the PUCT issues the order approving the transfer of the Transfer Area. At closing, Rockwall will deliver a check payable to Blackland in the amount set forth above. At closing, Blackland will deliver to Rockwall a bill of sale for the Water Facilities and Airport Pump Station, free and clear of all liens and encumbrances. At closing, Blackland will deliver to Rockwall the readings from the meters for the customers within the Transfer Area, such reading to occur not more than three days before the closing. Sixty (60) days after closing, Rockwall may remove any and all connections, emergency or otherwise, between Rockwall's and Blackland's water system located at the Airport Road Pump Station and the FM549/IH-30 delivery point, unless, prior to the removal of the interconnect at a location, Blackland and Rockwall have entered into an emergency interconnect agreement relating to that location.

6. <u>Right of Access</u>. After the Effective Date (as set forth above the signatures to this Agreement) and prior to the closing, Blackland grants Rockwall, its employees, engineers, agents, and contractors access to the Water Facilities and the Airport Pump Station, as may be deemed necessary by Rockwall to inspect the facilities, and become familiar with the operation of the facilities; provided, however, the persons entering Blackland's property shall provide Blackland reasonable notice prior to entry, comply with Blackland's safety requirements, and agree to hold harmless and indemnify Blackland for any damage, injury, or loss of life that may arise as a result of the entry. At Rockwall's request, Blackland will make operators available to Rockwall at the facilities and train Rockwall's operators on the operation and maintenance of the facilities.

## 7. <u>Regulatory Approval</u>.

a. <u>Applications</u>. The Parties shall cooperate to promptly file, or amend, any appropriate application or other documentation with the PUCT to transfer the Transfer Area to Rockwall and/or to decertify Blackland from the Transfer Areas (the "Transfer Application"). Blackland agrees that this Agreement serves as a written notice pursuant to PUCT Rule 24.259(c) and the agreement required by PUCT Rule 24.259(d). Rockwall shall be responsible for preparing the applications, and all costs associated with preparing and filing the Transfer Application and the pursuit of regulatory approvals and incurred after the Effective Date shall be borne by Rockwall; provided, however, Rockwall shall not be obligated to pay, or to reimburse Blackland for any third-party fees incurred by Blackland, such as legal or engineering fees, in excess of \$2,000.

a. <u>Transfer to Rockwall</u>. The Parties agree that, after the Closing, Blackland shall have no further obligation or right to provide water service to any existing or future customers located within the Transfer Area, except as may be agreed by the Parties in writing.

b. <u>Customers in Transfer Area</u>. All retail water customers whose place of use of water is located within the Transfer Area will become customers of Rockwall.

c. <u>Maintenance, Operation, and Repair</u>. Between the Effective Date and the Closing on the transfer of the Water Facilities or Airport Road Pump Station, Blackland shall operate, maintain, and repair the facilities in a manner of a prudent utility operator and shall not make any major changes or modification of the facilities, or remove any undamaged components without the prior notice and approval by Rockwall, except in an emergency situation. d. <u>Exclusive Service Rights</u>. After the execution of this Agreement, Blackland shall not directly or indirectly retain, seek or obtain a CCN for the area to be transferred from Blackland to Rockwall pursuant to this Agreement.

e. <u>Remaining Blackland Service Area</u>. Blackland represents and agrees that after the closing of the transfer of the Transfer Area, Blackland is and will continue to be able to provide continuous and adequate service at an affordable price to its remaining customers and that there is no "Impaired Property" or "Useless or valueless property" as those terms are defined by PUCT rule 24.259(b).

f. <u>Customers</u>. Rockwall represents and agrees that as a condition to the transfer or after the transfer, Rockwall will not charge the affected customers any transfer fee or other fee to obtain service other than the retail public utility's usual and customary rates for monthly service.

8. <u>Contract with North Texas Municipal Water District.</u> The Parties acknowledge that contemporaneous with the approval and execution of this Agreement, Rockwall and Blackland have approved and executed a Second Amendment to Wholesale Water Purchase Agreement (the "<u>Amendment</u>") amending the existing water supply contract (the "<u>Original Agreement</u>") between them to address Blackland's obligation to pay NTMWD directly through Blackland's agreement with NTMWD, or to pay Rockwall in advance for remittance to NTMWD, the annual charges relating to that portion of Rockwall's historic maximum take from NTMWD attributable to Blackland's maximum take from Rockwall during the term of the Original Agreement, as amended by the Second Amendment. The Parties agree that the agreed upon amount of such proportion or take by Blackland shall not be adjusted downward to reflect usage by customers within the Transfer Area, nor shall Blackland be entitled to a credit or offset relating to the usage by customers within the Transfer Area.

## 9. Transfer of Customers.

a. <u>Notice</u>. Blackland and Rockwall shall cooperate in providing notice of the transfer to customers located within the Transfer Area.

b. <u>Revenues</u>. Blackland shall be entitled to receive all water utility service revenues and fees for water utility services rendered by Blackland prior to the transfer of the Transfer Area. Rockwall will bill, collect, and remit to Blackland such charges, including but not limited to late payments received by Rockwall for Blackland's final billing and billing prior to the transfer

c. <u>Prevention of Service Interruption</u>. The Parties shall cooperate to prevent any interruption of water service to the customers located within the Transfer Area.

d. <u>Customer Records</u>. Prior to or as soon as practicable after the closing, Blackland shall transfer and assign to Rockwall the applications for service submitted by the customers within the transferred area, together with all supporting documentation. At that time, Blackland will also transfer and assign to Rockwall all customer deposits and/or membership fees.

e. <u>Representation</u>. Blackland represents to Rockwall that to the best of Blackland's current actual knowledge, as of the date this Agreement is signed, the Water Facilities and the Airport Road Pump Station have been maintained, and repaired in a manner that satisfies or exceeds the TCEQ's requirements; that Blackland has not received written notice of any pending claims or litigation relating to the Water Facilities or Airport Road Pump Station, and that there has been no hazardous waste deposited by Blackland within the Airport Road Pump Station.

f. <u>Membership Fees and Deposit</u>. At closing, Blackland shall transfer to Rockwall the membership fees collected by Blackland from all customers located within the Transfer Area who are transferred to Rockwall. Rockwall will apply the transferred membership fees as the deposit otherwise required from retail water customers. Customers in good standing with Blackland at closing will be treated by Rockwall as customers in good standing until the customer fails to pay Rockwall for monthly service charges and otherwise comply with the ordinances relating to water service from Rockwall.

10. <u>City of Fate.</u> The Parties acknowledge that a portion of the Airport Road Service Area is located inside the city limits of the City of Fate, not Rockwall, and that Blackland currently has about thirty (30) customers within that portion of the Airport Road Service Area. The Parties agree to cooperate with each other to transfer that portion of Airport Road Service Area and the customers and water facilities, to the City of Fate. As between the Parties, Rockwall will take the lead for negotiation of an agreement with the City of Fate and obtaining regulatory approval of the transfer to the City of Fate. In Rockwall's sole discretion, Rockwall may include the transfer to the City of Fate with the application(s) referenced in Section 7 of this Agreement.

### 11. Default and Notice.

a. <u>Notice and Opportunity to Cure.</u> If either party fails to perform any obligation or make any payment in the required amount when due under this Agreement, the other party may, without prejudice to any other right or remedy it may have under this Agreement, provide written notice of default to the non-performing party. The nonperforming party has sixty (60) days from receipt of the notice within which to remedy the default (the "Cure Period").

b. <u>Mediation.</u> It is the intent of the parties that litigation be avoided, and in order to allow for the quick resolution of any and all disputes, if any, the parties hereby agree that any claim, demands or disputes that cannot be amicably resolved between the parties, upon written request by either party shall be submitted within two weeks to a neutral trained third party for assistance in dispute resolution by means of non-binding mediation.

c. <u>Lawsuit If Mediation Unsuccessful.</u> If mediation as outlined above is unsuccessful, then it is agreed that either party may institute suit in Rockwall County, Texas and seek the relief to which the party may be entitled. 12. <u>Term.</u> This Agreement shall remain in effect until the closing of the transfer of all of the Transfer Area.

13. General Provisions.

a. <u>Assignment</u>. This Agreement may not be assigned by either Party without the written consent of the other Party. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective permitted and approved successors and assigns.

b. <u>Entire Agreement</u>. This Agreement contains the entire agreement of the Parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the Parties hereto.

c. <u>Applicable Law</u>. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Rockwall County, Texas.

d. <u>Authority</u>. The respective signatories to this Agreement covenant that they are fully authorized to sign and execute this Agreement on behalf of their respective Party.

e. <u>Notice</u>. Any notice provided for under the terms of this Agreement by either Party to the other shall be in writing and may be affected by registered or certified mail, return receipt requested, addressed and delivered to the following:

to Rockwall: City Manager City of Rockwall, Texas 385 S. Goliad Rockwall, Texas 75087 (972) 771-7700

to Blackland:

President, Board of Directors Blackland Water Supply Corporation 6715 State Highway 276 Royse City, TX 75189 (972) 771-6375

Each Party may change the address to which notice may be sent by giving notice of such change to the other Party in accordance with the provisions of this Agreement.

f. <u>Severability</u>. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

g. <u>Construction of Agreement</u>. This Agreement shall be deemed drafted equally by

both Parties. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this document.

h. <u>Enforceability</u>. The Parties agree that this Agreement constitutes the legal, valid and binding obligation of each Party hereto, enforceable in accordance with its terms.

i. <u>Counterparts</u>. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

This Agreement is effective as of the date it is signed on behalf of the City of Rockwall (the "Effective Date")

IN WITNESS WHEREOF, the Parties have executed this Agreement and caused this Agreement to be effective on the date first written above as reflected by the signatures below.

Signature Pages to Follow
## BLACKLAND WATER SUPPLY CORPORATION

Jason Mckinney

President, Board of Directors

ATTEST: By: 21 A JT Virdell Secretary, Board of Directors

STATE OF TEXAS

COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, on this day personally appeared Jason McKinney known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me he/she is the duly authorized representative for BLACKLAND WATER SUPPLY CORPORATION, and he/she executed said instrument for the purposes and consideration therein expressed.

§ § §

GIVEN UNDER MY HAND AND SEAL OF OFFICE this  $29^{th}$  day of  $400^{10}$ , 2022.

MISTY AURORA GONZALES SALAS Notary Public, State of Texas Comm. Expires 07-31-2022 Notary ID 131664037

Notary Public in and for the State of Texas

My Commission Expires: 07-31-2022

## CITY OF ROCKWALL, TEXAS

Mary Smith, City Manager City of Rockwall, Texas

ATTEST:

By:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

By:\_\_\_

Frank Garza, City Attorney

STATE OF TEXAS

COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, on this day personally appeared Mary Smith known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me he/she is the duly authorized representative for CITY OF ROCKWALL, TEXAS, and he/she executed said instrument for the purposes and consideration therein expressed.

§ § §

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of , 2022.

Notary Public in and for the State of Texas My Commission Expires:

**EXHIBIT "A"** Identification of the Transfer Area



## AGREEMENT BETWEEN CITY OF ROCKWALL AND BLACKLAND WATER SUPPLY CORPORATION REGARDING TRANSFER OF PORTIONS OF RETAIL WATER SERVICE AREA, CUSTOMERS AND WATER SYSTEM FACILITIES FOR THE EMERSON FARMS SUBDIVISION AND AREAS WITHIN THE CITY'S EXISTING CORPORATE LIMITS

This Agreement to Transfer Portions of Retail Water Service Area, Customers and Certain Water System Facilities (the "Agreement") is made and entered into by and between Blackland Water Supply Corporation ("Blackland") and the City of Rockwall, Texas ("Rockwall"). Blackland and Rockwall may be referred to herein collectively as the "Parties" and individually as a "Party."

### RECITALS

WHEREAS, Blackland is a non-profit water supply corporation, organized and operating pursuant to Chapter 67 of the Texas Water Code, which holds Certificate of Convenience and Necessity ("CCN") No. 11305, and owns water facilities, transmission lines, and distribution lines in Rockwall County, and provides retail water service to customers within its certificated service area;

WHEREAS, Rockwall is a Texas Home Rule City located in Rockwall County and owns and operates a water system to supply potable water to residents of the City and does not hold and is not required to hold, a certificate of convenience and necessity;

WHEREAS, Rockwall desires to acquire, in the future, the exclusive retail water service rights from Blackland for two areas located within Blackland's CCN area, together with the water system facilities used and useful by Blackland to serve the transferred areas, all being more fully described in more detail in this Agreement; and

WHEREAS, in accordance with Texas Water Code, Sections 13.255, 13.251, and 13.301 the Texas Public Utility Commission ("PUCT") must approve any transfer of service areas, customers, and facilities: and

WHEREAS, The Parties agree that the application(s) for approval of the transfer of the Transfer Areas and the closing of the transfer of the Transfer Area shall be deferred until Rockwall has extended its water system to the Emerson Farms Subdivision.

### AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises expressed herein and other good and valuable consideration, the sufficiency of which is acknowledged by the Parties, Blackland and Rockwall agree as follows:

1. <u>Transfer Area</u>. Upon Rockwall's written request, Blackland shall transfer to Rockwall the following two service areas:

<u>Emerson Farms</u>: The tract of land referred to as the Emerson Farms subdivision, containing approximately 138.351 acres, together with the on-site water distribution system and all off-site water facilities funding in whole or in part by the developer, or residents, of the Emerson Farms subdivision and used and useful in providing water service to and within the Emerson Farms subdivision; provided, however, the transfer will be deferred until Rockwall has installed the facilities required for Rockwall to serve the Emerson Farms Subdivision; and

<u>Corporate Limits</u>: Areas that are within Rockwall's corporate limits as of the Effective Date, such area totaling approximately 1,848.565 acres with approximately \_\_\_\_\_ existing service connections, with the existing corporate limits and the area to be transferred being shown on the aerial photograph attached as Exhibit "A";

together with the existing and future service connections and customers within each of the service areas, including but not limited to CCN rights and the right, as between Rockwall and Blackland, to be the exclusive retail water service provider, together with the obligation to provide water service that Blackland may have within the two areas listed in the caption of this Agreement and shown as the cross-hatched areas on the aerial photograph attached as Exhibit "A," hereinafter the four service areas shall be referred to collectively as the "Transfer Area."

2. <u>Water Facilities</u>. The Water Facilities to be transferred by Blackland to Rockwall consists of all the water distribution system (pipes, hydrants, valves, fittings, meters meter boxes,, easements, permits, approvals, manuals, warranty and plans) located within the Transfer Area and the water system improvements used and useful by Blackland in providing water service to and within the Transfer Area, together with all land, easements, rights-of-way, permits, approval, and plans relating to such facilities, hereinafter referred to as the "Water Facilities."

3. Intentionally Left Blank.

4. <u>Compensation to Blackland</u>. The Parties agree that Rockwall has previously compensated Blackland for the transfer of other service areas pursuant to a contract approved contemporaneously with this Agreement and the compensation for acquisition of the Transfer Areas pursuant to this Agreement was included within the previously paid compensation, so the Parties agree that Rockwall is not required to pay any additional compensation to Blackland for the Transfer Areas.

5. <u>Closing</u>. The closing will occur at the Rockwall municipal offices on or before the later of (i) sixty (60) days from the date of this Agreement, (ii) thirty (30) days after PUCT issues the order approving the transfer of the Transfer Area, or (iii) such other mutually acceptable time and place after the PUCT issues the order approving the transfer of the Transfer Area. At closing, Rockwall will deliver a check payable to Blackland in the amount set forth above; provided, however, if the transfer of the Emerson Road service area is deferred by the PUCT, no additional payment shall be required when the Emerson Farms service area is transferred to the City. At closing, Blackland will deliver to Rockwall a bill of sale for the Water Facilities, free and clear of all liens and encumbrances. At closing, Blackland will deliver to Rockwall the readings from the meters for the customers within the Transfer Area, such reading to occur not more than three days before the closing. Sixty (60) days after closing, Rockwall may remove any and all connections, emergency or otherwise, between Rockwall's and Blackland's water system located at the Transfer Area, unless, prior to the removal of the interconnect at a location, Blackland and Rockwall have entered into an emergency interconnect agreement relating to that location.

6. <u>Right of Access</u>. Regarding the installation of the facilities within the Transfer Area, Blackland shall require the contractor(s) to use only new parts and grants Rockwall the right to observe the installation of the facilities and to halt construction of the facilities are not being constructed in the manner or with the materials specified in the plans and specifications. Blackland will require the developer or contractor to pay inspection services fees required by Rockwall and Blackland assigns to Rockwall the right to receive the fees and expenses relating to inspection services paid the by developer or contractor.

## 7. <u>Regulatory Approval</u>.

a. <u>Applications</u>. The Parties agree that the application(s) for the Emerson Farms Subdivision shall be deferred until Rockwall has extended its water system to the Emerson Farms Subdivision. The Parties shall cooperate to promptly file, or amend, any appropriate application or other documentation with the PUCT to transfer the Transfer Area to Rockwall and/or to decertify Blackland from the Transfer Areas (the "Transfer Application"). Blackland agrees that this Agreement serves as a written notice pursuant to PUCT Rule 24.259(c) and the agreement required by PUCT Rule 24.259(d). Rockwall shall be responsible for preparing the applications, and all costs associated with preparing and filing the Transfer Application and the pursuit of regulatory approvals and incurred after the Effective Date shall be borne by Rockwall; provided, however, Rockwall shall not be obligated to pay, or to reimburse Blackland for any third-party fees incurred by Blackland, such as legal or engineering fees, in excess of \$2,000.

a. <u>Transfer to Rockwall</u>. The Parties agree that, after the Closing, Blackland shall have no further obligation or right to provide water service to any existing or future customers located within the Transfer Area, except as may be agreed by the Parties in writing.

b. <u>Customers in Transfer Area</u>. All retail water customers whose place of use of water is located within the Transfer Area will become customers of Rockwall.

c. <u>Maintenance, Operation, and Repair</u>. Between the Effective Date and the Closing of the transfer of the Transfer Area, Blackland shall operate, maintain, and repair the facilities in a manner of a prudent utility operator and shall not make any major changes or modification of the facilities, or remove any undamaged components without the prior notice and approval by Rockwall, except in an emergency situation.

d. <u>Exclusive Service Rights</u>. After the execution of this Agreement, Blackland shall not directly or indirectly retain, seek or obtain a CCN for the area to be transferred from Blackland to Rockwall pursuant to this Agreement.

e. <u>Remaining Blackland Service Area</u>. Blackland represents and agrees that after the closing of the transfer of the Transfer Area, Blackland is and will continue to be able to provide continuous and adequate service at an affordable price to its remaining customers and that there is no "Impaired Property" or "Useless or valueless property" as those terms are defined by PUCT rule 24.259(b).

f. <u>Customers</u>. Rockwall represents and agrees that as a condition to the transfer or after the transfer, Rockwall will not charge the affected customers any transfer fee or other fee to obtain service other than the retail public utility's usual and customary rates for monthly service.

Contract with North Texas Municipal Water District. The Parties acknowledge that 8. contemporaneous with the approval and execution of this Agreement, Rockwall and Blackland have approved and executed a Second Amendment to Wholesale Water Purchase Agreement (the "Amendment") amending the existing water supply contract (the "Original Agreement") between them to address Blackland's obligation to pay NTMWD directly through Blackland's agreement with NTMWD, or to pay Rockwall in advance for remittance to NTMWD, the annual charges relating to that portion of Rockwall's historic maximum take from NTMWD attributable to Blackland's maximum take from Rockwall during the term of the Original Agreement, as amended by the Second Amendment. The Parties agree that the agreed upon amount of such proportion or take by Blackland shall not be adjusted downward to reflect usage by customers within the Transfer Area, nor shall Blackland be entitled to a credit or offset relating to the usage by customers within the Transfer Area. Likewise, when the Transfer Areas are transferred by Blackland to Rockwall, Rockwall shall have no obligation to pay Blackland or NTMWD for NTMWD charges to Blackland based upon usage of water within the Transfer Area prior to the transfer.

## 9. Transfer of Customers.

a. <u>Notice</u>. Blackland and Rockwall shall cooperate in providing notice of the transfer to customers located within the Transfer Area.

b. <u>Revenues</u>. Blackland shall be entitled to receive all water utility service revenues and fees for water utility services rendered by Blackland prior to the transfer of the Transfer Area. Rockwall will bill, collect, and remit to Blackland such charges, including but not limited to late payments received by Rockwall for Blackland's final billing and billing prior to the transfer

c. <u>Prevention of Service Interruption</u>. The Parties shall cooperate to prevent any interruption of water service to the customers located within the Transfer Area.

d. <u>Customer Records</u>. Prior to or as soon as practicable after the closing, Blackland shall transfer and assign to Rockwall the applications for service submitted by the customers within the transferred area, together with all supporting documentation. At that time, Blackland will also transfer and assign to Rockwall all customer deposits and/or membership fees.

e. <u>Representation</u>. Blackland represents to Rockwall to the best of Blackland's

current actual knowledge that as of the date this Agreement is signed, the Water Facilities within the Transfer Areas will be designed, constructed, maintained, and repaired in a manner that satisfies or exceeds the TCEQ's requirements; that Blackland has not received written notice of any pending claims or litigation relating to the Water Facilities within the Transfer Areas, and that Blackland will timely inform Rockwall of any claims relating to the Water Facilities in the Transfer Area between the Effective Date and the Closing.

f. <u>Membership Fees and Deposit</u>. At closing, Blackland shall transfer to Rockwall the membership fees collected by Blackland from all customers located within the Transfer Area who are transferred to Rockwall. Rockwall will apply the transferred membership fees as the deposit otherwise required from retail water customers. Customers in good standing with Blackland at closing will be treated by Rockwall as customers in good standing until the customer fails to pay Rockwall for monthly service charges and otherwise comply with the ordinances relating to water service from Rockwall.

- 10. Intentionally Left Blank.
- 11. Default and Notice.

a. <u>Notice and Opportunity to Cure.</u> If either party fails to perform any obligation or make any payment in the required amount when due under this Agreement, the other party may, without prejudice to any other right or remedy it may have under this Agreement, provide written notice of default to the non-performing party. The nonperforming party has sixty (60) days from receipt of the notice within which to remedy the default (the "Cure Period").

b. <u>Mediation</u>. It is the intent of the parties that litigation be avoided, and in order to allow for the quick resolution of any and all disputes, if any, the parties hereby agree that any claim, demands or disputes that cannot be amicably resolved between the parties, upon written request by either party shall be submitted within two weeks to a neutral trained third party for assistance in dispute resolution by means of non-binding mediation.

c. <u>Lawsuit If Mediation Unsuccessful.</u> If mediation as outlined above is unsuccessful, then it is agreed that either party may institute suit in Rockwall County, Texas and seek the relief to which the party may be entitled.

12. <u>Term.</u> This Agreement shall remain in effect until the closing of the transfer of all of the Transfer Area.

13. General Provisions.

a. <u>Assignment</u>. This Agreement may not be assigned by either Party without the written consent of the other Party. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective permitted and approved successors and

assigns.

b. <u>Entire Agreement</u>. This Agreement contains the entire agreement of the Parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the Parties hereto.

c. <u>Applicable Law</u>. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Rockwall County, Texas.

d. <u>Authority</u>. The respective signatories to this Agreement covenant that they are fully authorized to sign and execute this Agreement on behalf of their respective Party.

e. <u>Notice</u>. Any notice provided for under the terms of this Agreement by either Party to the other shall be in writing and may be affected by registered or certified mail, return receipt requested, addressed and delivered to the following:

to Rockwall: City Manager City of Rockwall, Texas 385 S. Goliad Rockwall, Texas 75087 (972) 771-7700

to Blackland:

President, Board of Directors Blackland Water Supply Corporation 6715 State Highway 276 Royse City, TX 75189 (972) 771-6375

Each Party may change the address to which notice may be sent by giving notice of such change to the other Party in accordance with the provisions of this Agreement.

f. <u>Severability</u>. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

g. <u>Construction of Agreement</u>. This Agreement shall be deemed drafted equally by both Parties. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this document.

h. <u>Enforceability</u>. The Parties agree that this Agreement constitutes the legal, valid and binding obligation of each Party hereto, enforceable in accordance with its terms.

i. <u>Counterparts</u>. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

This Agreement is effective as of the date it is signed on behalf of the City of Rockwall (the "Effective Date")

IN WITNESS WHEREOF, the Parties have executed this Agreement and caused this Agreement to be effective on the date first written above as reflected by the signatures below.

Signature Pages to Follow

## BLACKLAND WATER SUPPLY CORPORATION

Jason McKinney

President, Board of Directors

ATTEST: By: JT Virdell Secretary, Board of Directors

STATE OF TEXAS

COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, on this day personally appeared Jason McKinney known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me he/she is the duly authorized representative for BLACKLAND WATER SUPPLY CORPORATION, and he/she executed said instrument for the purposes and consideration therein expressed.

§ § §

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 29 day of April 2022.

07-31-2022

MISTY AURORA GONZALES SALAS Notary Public, State of Texas Comm. Expires 07-31-2022 Notary ID 131664037

Notary Rublic in and for the state of Texas My Commission Expires:

3678193

### CITY OF ROCKWALL, TEXAS

Mary Smith, City Manager City of Rockwall, Texas

ATTEST:

By:

Kristy Cole, City Secretary

### **APPROVED AS TO FORM:**

By:\_

Frank Garza, City Attorney

STATE OF TEXAS

COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, on this day personally appeared Mary Smith known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me he/she is the duly authorized representative for CITY OF ROCKWALL, TEXAS, and he/she executed said instrument for the purposes and consideration therein expressed.

8 8 8

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of ,2022.

Notary Public in and for the State of Texas My Commission Expires:

EXHIBIT "A" Identification of the Transfer Area



## **Teague**, Kristy

Subject:

FW: Boards & Commissions - Jenny Krueger

Sent: Thursday, April 21, 2022 10:44 PM



She lives in Rockwall with her husband and their two children. She is an RHS graduate and a proud member of the fightin' Texas Aggie class of 2002. They enjoy Aggie football, gardening, camping, lake sports, and traveling to visit the family farm in Hye, Texas.

**BOARDS & COMMISSIONS** Interested in Special Committee or Projects? Yes

ART COMMISSION

### MAIN STREET BOARD



## Building Inspections Department <u>Monthly Report</u>

## April 2022

## <u>Permits</u>

Total Permits Issued:	<b>404</b>
Building Permits:	39
Contractor Permits:	365
<b>Total Commercial Permit Values:</b>	<b>\$1,841,815.00</b>
Building Permits:	\$250,000.00
Contractor Permits:	\$1,591,815.00
Total Fees Collected:	<b>\$274,768.54</b>
Building Permits:	\$212,745.42
Contractor Permits:	\$62,023.12

## **Board of Adjustment**

**Board of Adjustment Cases:** 

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### City of Rockwall PERMITS ISSUED - Summary by Type and Subtype For the Period 4/1/2022 to 4/30/2022

Type/Subtype	# of Permits Issued	Valuation of Work	Fees Charged
Commercial Building Permit	29	\$1,841,815.00	\$43,580.49
Cell Tower Permit	1	23,850.00	\$396.53
Certificate of Occupancy	9		\$682.50
Electrical Permit	4	6,200.00	\$197.99
Irrigation Permit	1		\$17,208.48
Mechanical Permit	1	6,500.00	\$153.77
New Construction	1	250,000.00	\$13,098.48
Plumbing Permit	1	29,865.00	\$462.31
Pool	1	40,000.00	\$153.00
Remodel	5	1,476,400.00	\$10,436.93
Roofing Permit	1		\$76.50
Sign Permit	2	9,000.00	\$306.00
Temporary Certificate of Occupancy	1		\$306.00
Temporary Construction Trailer	1		\$102.00
Residential Building Permit	375		\$231,188.05
Accessory Building Permit	4		\$394.97
Addition	2		\$679.58
Concrete Permit	9		\$1,266.02
Demolition	1	а.	\$50.00
Electrical Permit	9		\$1,045.50
Fence Permit	37		\$2,060.50
Irrigation Permit	23		\$1,752.00
Mechanical Permit	24		\$2,902.00
New Construction	1		\$7,299.24
New Single Family Residential	31		\$191,273.15
Patio Cover/Pergola	9		\$1,203.12
Plumbing Permit	39		\$3,131.00
Pool	17		\$2,680.00
Remodel	3		\$666.46
Retaining Wall Permit	2		\$101.00
Roofing Permit	146		\$10,920.00
Solar Panel Permit	8		\$3,254.51
Window & Door Permit	10		\$509.00
Totals:	404		\$274,768.54





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August

April May June July

**Residential Remodel Permits** 

Calendar Year

	Year			
	2021	2022		<b>2</b> 021
January	2			2022
February	ю	2		]
March	ю	2		
April	9	С		
May	1			
June	4		4	
July	7			
August	6			
September	5			
October	m			- <del>-</del>
November	1			
December	4		ion	
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Totals	48	10	in in the second s	



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		January	February	March	April	May	June	July	August	September	October	November	December		TT - 4 - 11 -



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Totals

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August September





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New Commercial Value

		Year		
		2020-2021		2021-2022
October	S	1		1
November	\$	2,800,000.00	\$	750,000.00
December	\$	I	∽	11,000,000.00
January	\$	885,000.00	⇔	3,625,000.00
February	\$		€	4,186,300.00
March	ഗ		ω	1,200,000.00
April	69	2,900,000.00	Ś	250,000.00
May	∽	35,500,000.00		
June	\$	2,080,000.00		
July	\$	1		
August	\$	2,650,000.00		
September	\$	286,200.00		
Totals	ø	47 101 200.00	4	21.011.300.00





2020-2021 6 5 3 1 1	<b>2021-2022</b> 6 8 3 7
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Calendar Year



		Year		
-		2020-2021		2021-2022
October	\$	242,859.42	Ś	273,670.22
November	\$	296,217.55	Ś	163,206.06
December	\$	272,486.48	Ś	310,002.73
January	\$	214,263.11	\$	361,270.18
February	\$	193,245.03	\$	250,094.89
March	\$	354,901.19	Ś	307,866.69
April	S	306,654.35	S	274,768.54
May	∽	778,422.17		
June	∽	561,245.38		
July	\$	228,777.52		
August	\$	353,601.69		
September	\$	476,935.40		
Totals	s	4 279 609 29	4	1 940 879 31

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#### City of Rockwall

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#### PERMITS ISSUED

#### For the Period 4/1/2022 to 4/30/2022

Permit Number Application Date Issue Date	Permit Type Subtype Status of Permit	Site Address Parcel Number Subdivision Name Plan Number	Valuation	Total Fees Total SQFT	Fees Paid
COM2021-6882	Commercial Building Permit				1 In Contrast and I want that I want to be a set of the set of
12/09/2021	Certificate of Occupancy	2455 Ridge Rd, S. 127,		\$75.00	\$75.00
04/20/2022	ISSUED	Rockwall, TX 75087		1,228.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Paul Roland	108 Thoroughbred Dr	Rockwall		75087
Property Owner	2455 Ridge LLC	2701 Custer Pkwy, S 706	Richardso	on TX	75080
Contractors					
COM2022-1366	Commercial Building Permit			l - o - o - o an a processor	
03/22/2022	Certificate of Occupancy	5735 HORIZON RD,		\$76.50	\$76.50
04/29/2022	ISSUED	ROCKWALL, 75032		1,100.00	
04/29/2022	ISSUED			1,100.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Nga K Bui	5735 Horizon Rd	Rockwall	TX	75032
Property Owner	RIDGE POINTE HORIZON LP	102 S GOLIAD #200 - Jeff Grinne	n Rockwall	TX	75087
Inspection Report Contac	Tam Bui				
Contractors					
COM2022-1460	Commercial Building Permit			<b>*7</b> 0 F0	<b>*7</b> 0 <b>5</b> 0
03/24/2022	Certificate of Occupancy	2000 INDUSTRIAL BLVD,		\$76.50	\$76.50
04/01/2022	ISSUED	ROCKWALL, 75087		9,000.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Mike Lawshe	2000 Industrial Blvd	Rockwall	TX	75087
Property Owner	Conselman Equities	P.O. Box 2284	Rockwall	ТХ	75087
Inspection Report Contac	Brandon Lawshe VP	2000 Industrial Blvd	Rockwall	TX	75087
Contractors					
COM2022-1493	Commercial Building Permit				
03/25/2022	Certificate of Occupancy	225 E Ralph Hall		\$76.50	\$76.50
04/14/2022	ISSUED	Parkway, Rockwall, TX 75032		25,783.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Carl Mittendorff	225 E. Ralph Hall Parkway	Rockwall		75032
Property Owner	Carl Mittendorff	225 E. Ralph Hall Parkway	Rockwall		75032
Contact	Francis Han, Attorney at Law	Great American Tower	Cincinnat	i OH	45202
Inspection Report Contac	Joe Hagan				
Contractors					

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### City of Rockwall

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#### PERMITS ISSUED

#### For the Period 4/1/2022 to 4/30/2022

Permit Number Application Date Issue Date	Permit Type Subtype Status of Permit	Site Address Parcel Number Subdivision Name Plan Number Valu	ation	Total Fees Total SQFT	Fees Paid
COM2022-1665	Commercial Building Permit				
04/01/2022	Certificate of Occupancy	2309 S GOLIAD ST,		\$75.00	\$75.00
04/25/2022	ISSUED	SUITE 105, ROCKWALL, TX 75032		1,440.00	
Contact Type	Contact Name	Contact Address			
Business Owner	TRACY THAO VU THIET V LE	2309 S. GOLIAD ST. #105 11 HAWTHORNE CIRCLE	Rockwall Allen	TX TX	75032 75002
Property Owner Contractors		TI HAWTHORNE CIRCLE	Allen		75002
COM2022-1702	Commercial Building Permit		i. v. de er en de la	an a	un en en en en Sinne
04/04/2022	Certificate of Occupancy	2825 RIDGE RD,		\$75.00	\$75.00
04/08/2022	ISSUED	ROCKWALL, 75032		3,500.00	
04/08/2022	1330ED			3,300.00	
Contact Type	Contact Name	Contact Address			
Business Owner	HA NGUYEN	2825 RIDGE RD.	Rockwall	TX	75032
Property Owner	STEGER TOWNE CROSSING	2331 GUS THOMOSON, SUITE 126	Irving	ТХ	75062
Contractors					
COM2022-2214	Commercial Building Permit				<b>.</b>
COM2022-2214 04/21/2022	Commercial Building Permit Temporary Certificate of Occup	ancy 702 E RALPH HALL		\$306.00	\$306.00
		pancy 702 E RALPH HALL PKWY, ROCKWALL, 75032		\$306.00 3,844.00	\$306.00
04/21/2022	Temporary Certificate of Occup	PKWY, ROCKWALL,			
04/21/2022 04/22/2022 Contact Type Business Owner	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30	Rockwall	3,844.00 TX	75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN	PKWY, ROCKWALL, 75032 Contact Address	Rockwall Rockwall	3,844.00	
04/21/2022 04/22/2022 Contact Type Business Owner	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30		3,844.00 TX	75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30		3,844.00 TX TX	75032 75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30 2825 RIDGE RD,		3,844.00 TX	75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson Commercial Building Permit	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30		3,844.00 TX TX	75032 75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors COM2022-264 01/19/2022	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson Commercial Building Permit Certificate of Occupancy	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30 2825 RIDGE RD,		3,844.00 TX TX \$76.50	75032 75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors COM2022-264 01/19/2022 04/04/2022 Contact Type Business Owner	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson Commercial Building Permit Certificate of Occupancy ISSUED Contact Name HA NGUYEN	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30 2825 RIDGE RD, ROCKWALL, 75032 Contact Address 2825 RIDGE RD.	Rockwall	3,844.00 TX TX \$76.50 3,500.00 TX	75032 75032 \$76.50 75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors COM2022-264 01/19/2022 04/04/2022 Contact Type	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson Commercial Building Permit Certificate of Occupancy ISSUED Contact Name	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30 2825 RIDGE RD, ROCKWALL, 75032 Contact Address	Rockwall	3,844.00 TX TX \$76.50 3,500.00	75032 75032 \$76.50
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors COM2022-264 01/19/2022 04/04/2022 Contact Type Business Owner	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson Commercial Building Permit Certificate of Occupancy ISSUED Contact Name HA NGUYEN	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30 2825 RIDGE RD, ROCKWALL, 75032 Contact Address 2825 RIDGE RD.	Rockwall	3,844.00 TX TX \$76.50 3,500.00 TX	75032 75032 \$76.50 75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors COM2022-264 01/19/2022 04/04/2022 Contact Type Business Owner Property Owner Contractors	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson Commercial Building Permit Certificate of Occupancy ISSUED Contact Name HA NGUYEN	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30 2825 RIDGE RD, ROCKWALL, 75032 Contact Address 2825 RIDGE RD.	Rockwall	3,844.00 TX TX \$76.50 3,500.00 TX	75032 75032 \$76.50 75032
04/21/2022 04/22/2022 Contact Type Business Owner Property Owner Contact Contractors COM2022-264 01/19/2022 04/04/2022 Contact Type Business Owner Property Owner	Temporary Certificate of Occup ISSUED Contact Name MARY COURTIN MARY COURTIN Michelle Thompson Commercial Building Permit Certificate of Occupancy ISSUED Contact Name HA NGUYEN HA NGUYEN	PKWY, ROCKWALL, 75032 Contact Address 991 E. INTERSTATE 30 991 E. INTERSTATE 30 2825 RIDGE RD, ROCKWALL, 75032 Contact Address 2825 RIDGE RD.	Rockwall	3,844.00 TX TX \$76.50 3,500.00 TX	75032 75032 \$76.50 75032

#### City of Rockwall

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## PERMITS ISSUED

#### For the Period 4/1/2022 to 4/30/2022

Permit Number Application Date Issue Date	Permit Type Subtype Status of Permit	Site Address Parcel Number Subdivision Name Plan Number	Valuation	Total Fee Total SQI		Fees Paid
Contact Type	Contact Name	Contact Address			2	
Business Owner Property Owner	Chris Souder JOHN ROSEKRANS	1201 Arista Rd, Suite 105 108 HOMESTEAD BLVD	Rockw MILL V	all T /ALLEY C	X	75032 94941
Contractors						
COM2022-949	Commercial Building Permit			3		
02/28/2022	Certificate of Occupancy	1930 ALPHA DR, S. 300,		\$76.50		\$76.50
04/19/2022	ISSUED	ROCKWALL, TX 75087		11,000	.00	
Contact Type	Contact Name	Contact Address				
Business Owner	TOBY GIEGER	10513 BUENA VISTA CT	DES M	IOINES IA	ł	50322
Property Owner	Bask Investments	401 Columbia	Rockw	all T	Х	75032
Contractors						
		Тс	tal Valuation:			8

10

Total Fees: \$988.50 Total Fees Paid: \$988.50



## April 2022 Monthly Report

## Top 10 NFIRS Call Types

444 Power line down 735 Alarm system sounded due to malfunction 733 Smoke detector activation due to malfunction 550 Smoke Detector Battery Change/Install 622 No incident found on arrival at dispatch address 322 Motor vehicle accident with injuries 324 Motor vehicle accident with no injuries. 611 Dispatched & canceled en route 412 Gas leak (natural gas or LPG) 311 Medical assist, assist EMS crew

Grand Total



All Calls By NFIRS Call Type 🕶 Incident Count 111 Building fire 2 131 Passenger vehicle fire (cars, pickups, SUV's) 4 140 OTHER Natural vegetation fire 1 143 Grass fire 1 160 Special outside fire, other 1 311 Medical assist, assist EMS crew 171 322 Motor vehicle accident with injuries 17 324 Motor vehicle accident with no injuries. 19 342 Search for person in water 2 357 Extrication of victim(s) from machinery 1 411 Gasoline or other flammable liquid spill 1 412 Gas leak (natural gas or LPG) 58 442 Overheated motor 1 444 Power line down 5 445 Arcing, shorted electrical equipment 2 500 Service Call, other 1 511 Lock-out 1 522 Water or steam leak 1 531 Smoke or odor removal 2 3 550 Public service assistance, other 550 Smoke Detector Battery Change/Install 9 553 Public service 3 554 Assist invalid 2 561 Unauthorized burning 1 611 Dispatched & canceled en route 27 622 No incident found on arrival at dispatch address 10 631 Authorized controlled burning 1 650 Steam, other gas mistaken for smoke, other 1 651 Smoke scare, odor of smoke 4 700 False alarm or false call, other 1 711 Municipal alarm system, malicious false alarm 1 730 System malfunction, other 1 731 Sprinkler activation due to malfunction 2 733 Smoke detector activation due to malfunction 8 735 Alarm system sounded due to malfunction 6 741 Sprinkler activation, no fire - unintentional 1 743 Smoke detector activation, no fire - unintentional Δ 744 Detector activation, no fire - unintentional 1 745 Alarm system activation, no fire - unintentional 2 2 746 Carbon monoxide detector activation, no CO 381

## **April 2022 Dispatch to Arrival Analysis**

District	Total Number of Calls	Percent of Runs per District	Number of Calls in 5.5 mins or Less	Average FD Response Time Minutes	% in 5.5 min or less	Goal of 90%
District 1	76	27%	59	0:04:46	78%	90%
District 2	82	29%	60	0:05:13	73%	90%
District 3	42	15%	23	0:05:33	55%	90%
District 4	42	15%	28	0:04:58	67%	90%
District 5	11	4%	6	0:05:28	55%	90%
District 6	4	1%	2	0:06:07	50%	90%
District 7	19	7%	8	0:05:58	42%	90%
District 8	9	3%	2	0:06:24	22%	90%
District 9	0	0%	0	0:00:00	No Calls	90%
Department	285	100%	188	0:05:13	66%	90%

## April 2022 - % of Code 3 Calls with Fire Dept Response Time of 5.5 mins or less by District



## April 2022 Travel Time by District

District	Total Number of Calls	Percent of Runs per District	Number of Calls in 4 or Less	Average Travel Time Minutes	% in 4 min or less	Goal of 90%
District 1	76	27%	52	0:03:55	68%	90%
District 2	82	29%	58	0:04:13	71%	90%
District 3	42	15%	19	0:04:40	45%	90%
District 4	42	15%	24	0:04:02	57%	90%
District 5	11	4%	4	0:04:21	36%	90%
District 6	4	1%	2	0:05:25	50%	90%
District 7	19	7%	8	0:05:02	42%	90%
District 8	9	3%	2	0:05:52	22%	90%
District 9	0	0%	0	0:00:00	No Calls	90%
Department	285	100%	169	0:04:18	59%	90%

April 2022 - % of Code 3 Calls with Travel Time of 4 mins or less by District





## **Total Dollar Losses**

April 2022



 Print Date/Time:
 05/10/2022 17:19

 Login ID:
 rck\dgang

 Layer:
 All

 Areas:
 All

Rockwall Fire Department

ORI Number: TX504 Incident Type: All Station: All

	<b>Current Month</b>	Last Month	Same Month Last Year	Year To Date	Last Year To Date
Total Property Loss:	\$70,620.00	\$160,000.00	\$57,350.00	\$857,720.00	\$214,350.00
Total Content Loss:	\$5,000.00	\$5,000.00	\$10,000.00	\$845,000.00	\$79,600.00
Total Property Pre-Incident Value:	\$223,620.00	\$47,441,840.00	\$2,239,740.00	\$60,485,410.00	\$27,603,129.00
Total Contents Pre-Incident Value	\$5,000.00	\$20,005,000.00	\$665,552.00	\$21,740,000.00	\$11,107,699.60
Total Losses:	\$75,620.00	\$165,000.00	\$67,350.00	\$1,702,720.00	\$75,620.00
Total Value:	\$228,620.00	\$67,446,840.00	\$2,905,292.00	\$82,225,410.00	\$38,710,828.60

## Fire Prevention, Education, & Investigations Division Monthly Report April 2022















## **Monthly Report April 2022**





# SPRING EGGSTRAVAGANZA 2000 ATTENDEES





FAMILY FUN FRIDAY THE HARBOR





## **REVENUE NUMBERS**



# **Upcoming:**

**Founders Day Festival Splash Days Concert By The Lake Series**  % of Resident Accounts as of April 2022



# PARKS PROJECT UPDATE – APRIL 2022



## KIDZONE PLAYGROUND REPLACEMENT





## GLORIA WILLIAMS POOL DECK REPAIRS





## HARRY MYERS PARK BRIDGE REPLACEMENT

## LOFLAND PARK DRAINAGE REPAIRS AND BOULDERS

## **OTHER PROJECTS:**

THE HARBOR LANDSCAPE BOULDERS

## Rockwall Police Department Monthly Activity Report

April-2022

ACTIVITY	CURRENT MONTH	PREVIOUS MONTH	YTD	YTD	YTD %
	APRIL	MARCH	2022	2021	CHANGE
		PART 1 OFI	FENSES		
Homicide / Manslaughter	0	0	0	0	0.00%
Sexual Assault	1	3	6	9	-33.33%
Robbery	1	1	6	2	200.00%
Aggravated Assault	5	5	13	11	18.18%
Burglary	5	2	13	15	-13.33%
Larceny	71	80	234	210	11.43%
Motor Vehicle Theft	1	3	12	20	-40.00%
TOTAL PART I	84	94	284	267	6.37%
TOTAL PART II	126	131	485	468	3.63%
TOTAL OFFENSES	210	225	769	735	4.63%
	A	<b>ADDITIONAL S</b>	TATISTICS		
FAMILY VIOLENCE	9	8	32	45	-28.89%
D.W.I.	20	11	58	79	-26.58%
		ARRES	TS		
FELONY	32	30	97	92	5.43%
MISDEMEANOR	61	59	226	184	22.83%
WARRANT ARREST	8	8	28	26	7.69%
JUVENILE	17	15	39	8	387.50%
TOTAL ARRESTS	118	112	390	310	25.81%
		DISPAT	СН		
CALLS FOR SERVICE	1860	2025	7473	7876	-5.12%
		ACCIDE	NTS		
INJURY	3	7	20	13	53.85%
NON-INJURY	79	67	273	253	7.91%
FATALITY	0	0	0	0	0.00%
TOTAL	82	74	293	266	10.15%
FALSE ALARMS					
RESIDENT ALARMS	39	49	173	161	7.45%
BUSINESS ALARMS	155	145	590	560	5.36%
TOTAL FALSE ALARMS	0	194	763	721	5.83%
Estimated Lost Hours	0	128.04	503.58	475.86	5.83%
Estimated Cost	\$0.00	\$3,045.80	\$11,979.10	\$11,319.70	5.83%

### **ROCKWALL NARCOTICS UNIT**

Number of Cases	5	
Arrests	4	
Arrest Warrants	0	
Search Warrants	0	
	Seized	
Marijuana (ounces)	1	

## Rockwall Police Department Dispatch and Response Times

April 2022

	Police Department				
Priority 1	Average Response Time	Number of Calls 1	40		
Call to Dispatch	0:00:35 0:05:47				
% over 7 minutes	25%				
	Average Response Time				
Priority 2		Number of Calls 5	94		
Call to Dispatch	0:02:29				
Call to Arrival	0:09:19				
% over 7 minutes	24%				
	Average Response Time				
Priority 3		Number of Calls 6	8		
Call to Dispatch	0:02:57				
Call to Arrival	0:09:39				
% over 7 minutes	49%				

## Average dispatch response time goals are as follows:

Priority 1: 1 Minute

Priority 2: 1 Minute, 30 Seconds

Priority 3: 3 Minutes

## Sales Tax Collections - Rolling 36 Months

General Fund	TIF	
Sales Tax	Sales Tax	
1,293,524	20,077	
1,679,076	24,582	
1,420,483	31,523	
1,467,376	28,951	
1,810,970	29,022	
1,478,622	31,577	
1,565,868	24,818	
1,730,541	21,787	
1,547,746	23,781	
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	•	35,000
	-	
	-	
	•	
2,317,862		
1,963,345	23,464	10,000
2,040,002	20,495	
2,664,185	23,976	5,000
1,786,902	21,605	
	Sales Tax 1,293,524 1,679,076 1,420,483 1,467,376 1,810,970 1,478,622 1,565,868 1,730,541 1,547,746 1,365,040 2,273,520 1,458,193 1,292,639 1,605,986 1,345,598 1,376,026 1,979,539 1,573,352 1,558,570 1,989,955 1,634,280 1,718,364 2,244,778 1,521,031 1,952,165 2,651,412 2,080,645 1,877,982 1,930,521 1,882,276 1,860,016 2,317,862 1,963,345 2,040,002 2,664,185	Sales TaxSales Tax1,293,52420,0771,679,07624,5821,420,48331,5231,467,37628,9511,810,97029,0221,478,62231,5771,565,86824,8181,730,54121,7871,565,86824,8181,730,54121,7871,547,74623,7811,365,04026,3302,273,52027,4721,458,19319,9551,292,63915,8291,605,98617,5381,345,5985,8811,376,02613,5291,979,53917,7061,573,35212,1791,558,57014,8881,989,95515,2991,634,28014,9941,718,36413,3412,244,77814,9351,521,03112,7381,952,16510,9542,651,41218,2522,080,64527,7731,877,98222,9401,930,52124,8601,882,27627,8031,860,01619,7442,317,86221,3851,963,34523,4642,040,00220,4952,664,18523,976

## Notes:

75% of total sales tax collected is deposited to the General Fund each month

Comptroller tracks sales tax generated in the TIF and reports it monthly

75% of TIF sales tax (city share) is pledged to the TIF

## **Monthly Water Consumption - Rolling 27 Months**

	<b>Total Gallons</b>	Daily Average	<u>Maximum Day</u>
Feb-20	196,611,134	6,779,695	7,579,604
Mar-20	197,281,791	6,363,929	8,569,168
Apr-20	226,508,245	7,550,275	10,263,848
May-20	317,650,425	10,246,788	13,193,218
Jun-20	455,022,410	15,167,411	20,100,668
Jul-20	511,667,880	16,505,415	20,073,454
Aug-20	590,693,550	19,054,630	22,031,522
Sep-20	363,112,688	12,103,756	14,870,959
Oct-20	397,801,934	12,832,320	15,751,199
Nov-20	295,091,494	9,836,383	11,452,738
Dec-20	179,571,968	7,371,629	8,653,526
Jan-21	157,800,928	6,718,182	7,179,987
Feb-21	199,821,312	8,288,901	17,044,360
Mar-21	230,130,315	7,423,560	9,739,996
Apr-21	289,545,756	9,651,525	12,683,656
May-21	247,421,005	7,981,324	10,400,411
Jun-21	342,904,230	11,430,141	16,988,604
Jul-21	446,687,809	14,409,284	17,918,524
Aug-21	486,443,590	15,691,730	18,928,160
Sep-21	377,898,464	17,173,544	19,016,086
Oct-21	293,280,384	11,880,576	15,338,545
Nov-21	280,398,508	9,346,618	12,584,820
Dec-21	262,730,021	8,475,163	10,313,293
Jan-22	245,557,172	7,921,199	10,742,941
Feb-22	211,955,941	7,569,855	10,394,759
Mar-22	256,035,618	8,529,214	10,544,988
Apr-22	281,707,217	9,390,241	11,718,730

## Source: SCADA Monthly Reports generated at the Water Pump Stations

