

ORDINANCE NO. 19-0321C

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS ANNEXING APPROXIMATELY 6.0 ACRES OF LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO INTO THE CITY OF WILMER, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE SAID PROPERTY WITHIN THE CITY LIMITS; GRANTING TO ALL INHABITANTS AND OWNERS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANTS AND OWNERS BY ALL OF THE ORDINANCES, ACTS, RESOLUTIONS AND REGULATIONS OF THE CITY OF WILMER; ADOPTING A SERVICE PLAN AS EXHIBIT "B" ATTACHED HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, State law authorizes the annexation of territory; and

WHEREAS, pursuant to Chapter 43 of the Texas Local Government Code WHL Dallas 45 LLC voluntarily seeks to annex the property described and identified in Exhibit "A", attached hereto and incorporated herein, into the City of Wilmer, Texas; and

WHEREAS, the property is adjoining the present City limits of the City of Wilmer, and the City of Wilmer is authorized to annex the property; and

WHEREAS, the City Council finds that the required notices have been given and the required public hearings have been held, pursuant to Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council has determined that a service plan for the property should be prepared and adopted in conjunction with annexation of the property, and said service plan is attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of the State of Texas have been duly followed with respect to annexation of the Property; and

WHEREAS, the City Council has determined that it is in the best interests of the City to annex the property into the City, and the members of the City Council have concluded that said area should be annexed and made a part of the City of Wilmer, Texas.

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

SECTION 1. The property, being specifically described in Exhibit "A", attached hereto and incorporated herein, situated within the exclusive extraterritorial jurisdiction of the City and adjacent and contiguous thereto, is hereby annexed for all municipal purposes into the corporate limits of the City of Wilmer, Texas, and said corporate limits are hereby

extended so as to include the property. The official map of the City of Wilmer, Texas shall be hereby amended to include the property within the corporate limits, and the inhabitants of the annexed area shall hereafter be entitled to all of the rights and privileges of other citizens of the City of Wilmer and shall be bound by the ordinances, acts, resolutions and regulations of the City of Wilmer.

SECTION 2. The service plan for the Property, attached hereto as Exhibit "B" and incorporated herein for all purposes, is hereby approved and adopted as part of this ordinance.

SECTION 3. That all ordinances of the City of Wilmer, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

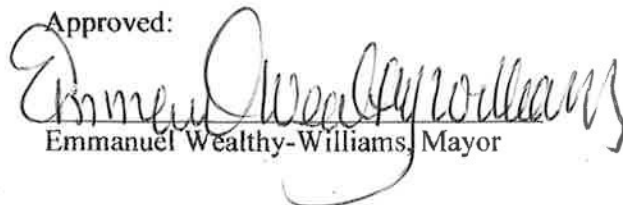
SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the City of Wilmer, Texas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That the recitals within this ordinance are hereby incorporated into the body of this ordinance as if fully set forth in this section, and are hereby found and declared to be true and correct legislative findings and are adopted as part of this ordinance for all purposes.

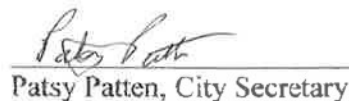
SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and City Charter in such cases provide.

DULY PASSED AND APPROVED by the City Council of the City of Wilmer, Texas, this the 21 day of March, 2019.

Approved:


Emmanuel Wealthy-Williams, Mayor

Attest:


Patsy Patten, City Secretary

Approved as to Form:

Michael Halla, City Attorney



ORDINANCE NO. 19-0321C

EXHIBIT "A"

LEGAL DESCRIPTION

6.0047 ACRES

BEING a tract of land situated in the J.T. Campbell Survey, Abstract No. 299, in Dallas County, Texas, and being all of a 6 acre tract of land described in a deed to Janell Ann Wickens recorded in Document No. 201300126307 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the south line of Talco Road for the northeast corner of a 2.588 acre tract of land described in deed to WHL Dallas 45, LLC recorded in Document No. 201200382908 and 201200382909 of the Official Public Records of Dallas County, Texas from which a 1/2" iron rod found bears North 48°03' East, 3.9 feet;

THENCE with said south line, North 58°44'10" East, a distance of 328.27 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for the northwest corner of a 101.54 acre tract of land described in deed to WHL Dallas 45, LLC recorded in Document No. 201100339298 of the Official Public Records of Dallas County, Texas;

THENCE with the west line of said 101.54 acre tract, South 1°07'41" East, a distance of 1006.81 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for northeast corner of a 18.038 acre tract of land described in deed to WHL Dallas 45, LLC recorded in Document No. 201300101251 of the Official Public Records of Dallas County, Texas from which a 1/2" iron pipe found bears North 12°05' East, 2.1 feet;

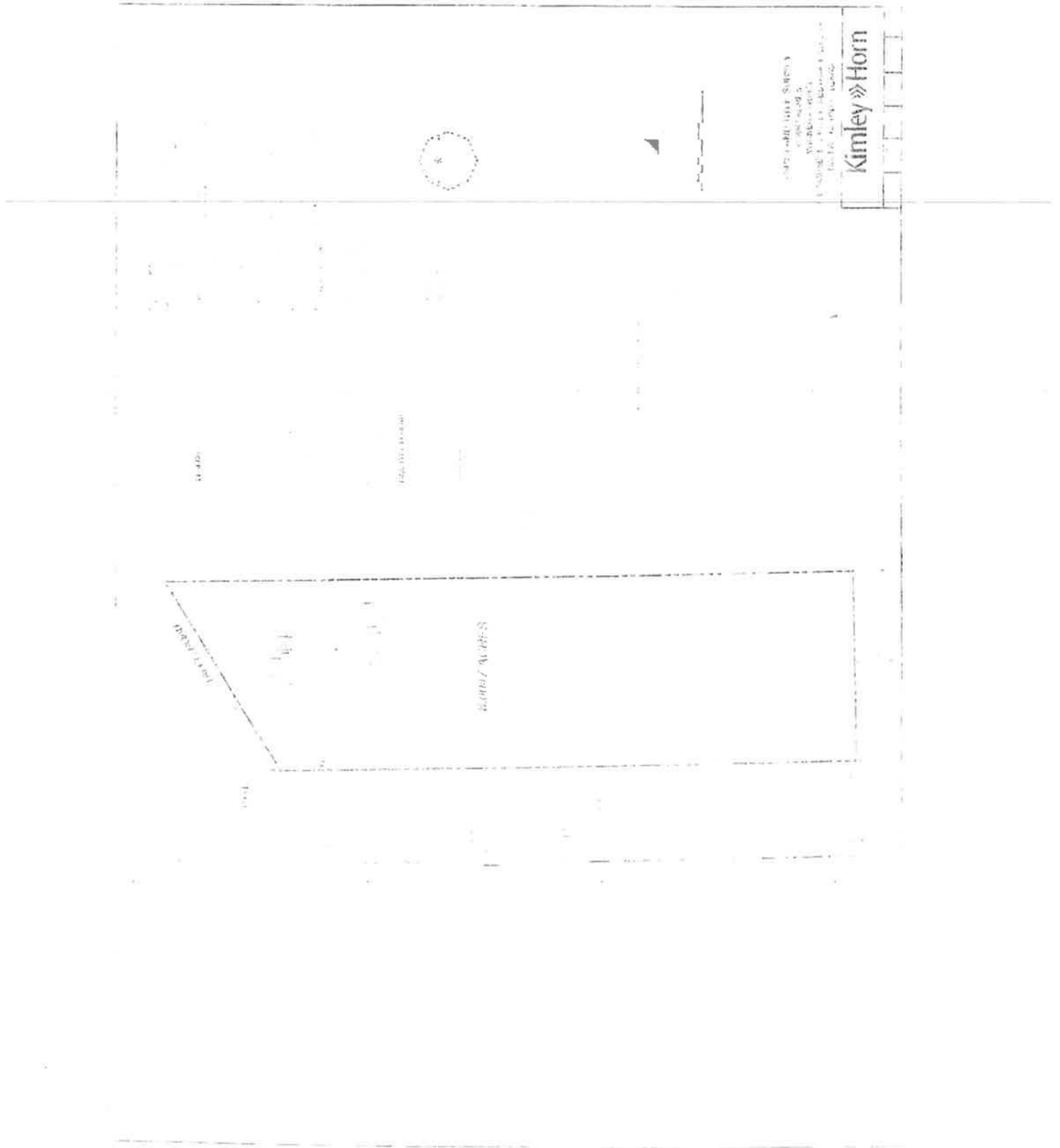
THENCE with the north line of said 18.038 acre tract, South 89°03'09" West, a distance of 282.13 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for the southwest corner of said 2.588 acre tract;

THENCE with the east line of said 2.588 acre tract, North 1°14'55" West, a distance of 841.12 feet to the **POINT OF BEGINNING** and containing 6.0047 acres or 261,566 square feet of land

Bearing system based on the Texas State Plane Coordinate System, North Central Zone.

ORDINANCE NO. 19-0321C

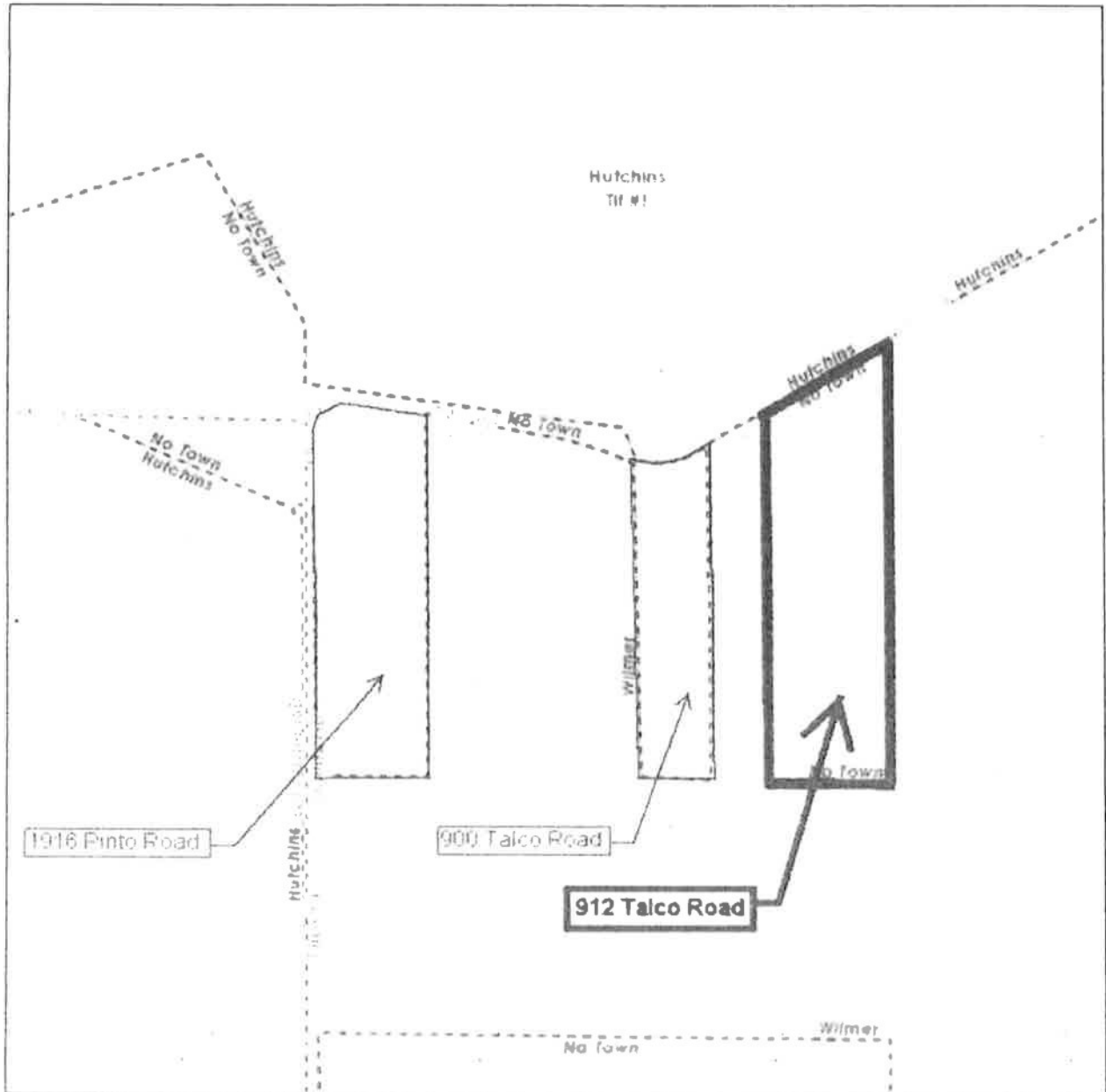
EXHIBIT "A", cont'd.



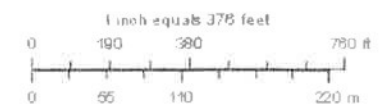
ORDINANCE NO. 19-0321C

EXHIBIT "A", cont'd.

Prime Pointe annexation - 912 Talco Road (6.0± acres) 2/22/2019




Dallas Central Appraisal District
3549 N. Stemmons Freeway
Dallas, TX 75247-6195
(214) 631-1242
www.dallascad.org



ORDINANCE NO. 19-0321C

EXHIBIT "B"

ANNEXATION SERVICE PLAN

In connection with the annexation, by the City of Wilmer, Dallas County, Texas, of the tract of land described in Exhibit "A", the following service plan is adopted as required by Chapter 43 of the Texas Local Government Code.

The City of Wilmer, Texas will, to the extent it provides or authorizes such services itself or through contractual arrangements with other entities to similarly situated properties, provide the following services in the area upon the effective date of the annexation of the area or as each portion of the property develops, whichever is the later occurrence and as the City's financial and personnel resources allow:

- (1) Police protection;
- (2) Fire protection;
- (3) Emergency medical services;
- (4) Solid waste collection;
- (5) Operation and maintenance of public water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- (6) Operation and maintenance of public roads and streets, including road and street lighting;
- (7) Operation and maintenance of public parks, playgrounds, swimming pools and other recreational facilities; and
- (8) Operation and maintenance of any other publicly owned facility, building, or service.

The City of Wilmer will also provide other services such as planning, zoning, code enforcement, subdivision regulation, animal control, court, construction codes and general administration, to the extent it now provides any such service to similarly situated properties, on the effective date of the annexation. Capital infrastructure and services (such as water, wastewater, road improvements, stormwater management facilities, etc.) will be provided to the area in accordance with the development regulations of the City of Wilmer at the sole cost of the developers thereof.

Miscellaneous provisions:

- (1) This service plan is valid for ten years. Renewal of the service plan is at the discretion of the City of Wilmer.
- (2) This service plan does not require a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.
- (3) This service plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.
- (4) This service plan is adopted as Exhibit "B" to the Ordinance annexing the property described in Exhibit "A" into the City of Wilmer, Texas. The City shall provide the area or cause the area to be provided with services in accordance with this service plan.