



Control Number: 47979



Item Number: 1

Addendum StartPage: 0



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER
SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

Application to Obtain or Amend a Certificate of Convenience and Necessity (CCN) Under Water Code Section 13.255

Docket Number: **47979 1**

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original shall be filed with

Public Utility Commission of Texas
Attention: Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

RECEIVED
2018 JAN 23 PM 3:02
PUBLIC UTILITY COMMISSION
FILING CLERK

If submitting digital map data, two copies of the portable electronic storage medium (such as CD or DVD) are required.

CCN Requirements

1. Purpose of application

Check all boxes that apply. The purpose of this application is to: submit to the PUC, pursuant to Water Code §13.255(a), the written agreement between the City of Heath (Heath) and Forney Lake Water Supply Corporation (Forney Lake) to grant Heath single certification for water utility service within those areas inside Heath's corporate limits currently certificated to Forney Lake. Pursuant to §13.255(a), "the commission, on receipt of the agreement, shall incorporate the terms of the agreement into the respective CCNs of the parties". The agreement also will convey to Heath all of Forney Lakes easements, lines and appurtenances serving such area. A copy of the §13.255 agreement of the Parties is attached as Exhibit 1.

- ☐ [X] Obtain single certification to a service area within the cities limits; and /or
- ☐ [X] Amend Certificate of Convenience and Necessity (CCN) No.12060 to provide ☐ [X] water or ☐ sewer service to all of Forney Lake WSC's water CCN area within Heath's corporate limits (Subdivision or Area) and to decertify a portion of Forney Lake WSC's CCN No. 10086 (Name of Utility and CCN No.)

2. Applicant

Name of City: Heath

Mailing address: 200 Laurence Drive, Heath Texas 75032

Phone: 972-771-6228

Fax: 972-961-4932

Email: ethatcher@heathtx.com

Tax Identification number: 75-1367725

3. County or counties

Name of county(ies) where the city intends to provide retail public utility service:

Rockwall and Kaufman

4. Contact information

Contact person regarding this application:

Name: Jim Mathews

Title: Lawyer for City of Heath

Mailing address: 8140 N. Mopac, Suite 2-260 Austin, Texas, 78759

Phone: 512-404-7800

Fax: 512-703-2785

Email: jmathews@mandf.com

5. Retail public utility

Retail public utility currently certificated to the area involved in this application:

Utility Name: Forney Lake Water Supply Corporation

Title:

Mailing address: P.O. Box 2034 Rockwall, Texas 75084

Phone: 972-722-3203

Fax: 972-722-0333

Email: rbaley@airmail.net

Retail public utility contact person regarding negotiations with the city over the service area involved:

Name: Charles Green

Title: President

Mailing address: P.O. Box 2034 Rockwall, Texas 75087

Phone: 972-772-0120

Fax: 972-722-0333

Email:

6. Service area

On what date was this proposed service area incorporated by the city? **See Exhibit 2 for incorporation order and annexation ordinances related to the proposed service area incorporated into and annexed by the City of Heath. Dates of incorporation and annexation are shown on the map at Exhibit 2 and are also provided in the order and ordinances.**

7. Negotiation date between city and retail public utility

On what date did negotiations begin between the city and the retail public utility?

June 2, 2011

8. Notice date

On what date was notice of the city's intent to provide service to the incorporated or annexed area provided to the retail public utility made? ***N.A. This is an agreement pursuant to § 13.255(a) which does not require notice of such agreement. However, both Heath and Forney Lake held noticed public hearings/meetings at which their § 13.255 agreement was discussed and approved. See Exhibit 3 for agenda and minutes of those meetings.***

Please attach a copy of the notice provided. Also attach a copy of the mailing list indicating to whom such notice was provided. ***See Exhibit 3***

9. Description of retail public utility facilities

Please provide a brief description of the retail public utility's facilities in the service area involved in this application. Also indicate how many customers are currently receiving service from the retail public utility in this area:

Forney Lake has lines ranging from 10 inches down to 1.5 inches in the CCN transfer area serving approximately 839 customers. All of Forney Lake's lines, appurtenances, and easements in the CCN transfer area will be conveyed pursuant to the 13.255 agreement. Heath's existing 8, 12, and 16 inch lines in the area will be extended to connect to Forney Lake's existing lines.

10. Service start date

Provide the date when city service to the area can begin within 90 days after PUC approval and closing pursuant to Article VI of the Agreement attached as Exhibit 1.

11. Franchised utility information

If the city will allow a franchised utility to provide service to the area involved, please attach a copy of the city consent or franchise agreement and provide the following information: N.A.

Utility Name:

Mailing address:

Phone:

Fax:

Email:

Franchised Utility's CCN Number:

Franchised Utility's contact person and their address:

Name:

Title:

Mailing address:

Email:

Phone:

Phone:

Fax:

Email:

This section intentionally left blank.

12. Paper map requirements

All maps should include applicant's name, address, telephone number, and date of drawing or revision and be folded to 8½ x 11 inches.

Attach the following maps with each copy of the application: **See Exhibit 4.**

- A. Subdivision plat or engineering plans or other large scale map showing the following:
 - 1. The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).
 - 2. Metes and bounds (if available).
 - 3. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks, rivers, railroads, etc.
 - 4. Service area boundaries should be shown with such exactness that they can be located on the ground.
- ❖ ***Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.***
- B. Small scale location map delineating the proposed service area. The proposed service area boundary should be delineated on a copy of the official CCN map. This map will assist the Public Utility Commission in locating the proposed service area in relation to neighboring utility service areas.
- C. Hard copy maps should include the following items:
 - 1. Map scale should be prominently displayed.
 - 2. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
 - 3. Attach a written description of the proposed service area.
 - 4. Proposed service area should be the same on all maps.
 - 5. Include map information in digital format (if available), see 13, GIS map information.
- D. Each utility shall make available to the public at each of its business offices and designated sales offices within Texas the map of the proposed service area currently on file with the Commission. The applicant employees shall lend assistance to persons requesting to see a map of the proposed area upon request.
- ❖ ***For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC's website for assistance.***

13. GIS map information

- A. Digital Map Requirements: In order that your digital data can be properly used, the following information is necessary: ***2 CDs containing digital mapping data are attached to this application.***
 - 1. Submit digital data of the proposed CCN service area on a CD, flash drive, or DVD. Two digital copies are necessary. Most files of CCNs (minus the base map) should be small enough to zip up and put on a CD.
 - 2. The digital data should include all items represented in the hard copy maps.
 - 3. Please identify data file format, projection information, map units and base map used. Acceptable Data File Format:
 - a. ArcView shape file (preferred)
 - b. Arc/Info E00 file
- ❖ ***For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC website for assistance.***

ALL APPLICABLE QUESTIONS MUST BE ANSWERED FULLY.

THE APPLICATION WILL NOT BE ACCEPTED FOR FILING WITHOUT MAPS.

PLEASE NOTE THE FILING OF THIS APPLICATION DOES NOT CONSTITUTE AUTHORITY TO PROVIDE WATER/SEWER SERVICE IN THE REQUESTED AREA.

OATH

State of Texas

County of Rockwall

I, Ed Thatcher being duly sworn, file this

application under V.T.C.A., Water Code Section 13.255 as City Manager of the City of Heath

(Name of the City); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Public Utility Commission of Texas.

I further represent that the application form has not been changed, altered or amended from its original form available only from the Commission.

I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.

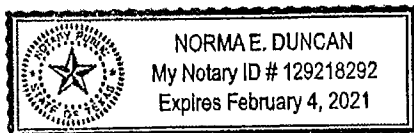

AFFIANT

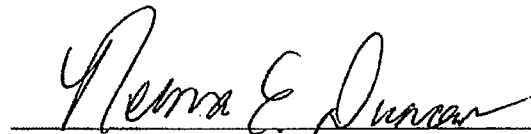
(Applicant's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of
Texas, this 19th day of JANUARY 20 18

SEAL




NOTARY PUBLIC



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

Application to Obtain or Amend a Certificate of Convenience and Necessity (CCN) Under Water Code Section 13.255

Instructions and Checklist

Each question on the application must be answered completely. If additional space is needed, attach additional sheets clearly labeled with the applicant's name and Docket Number if available. If a question is not applicable, please mark it N.A. and briefly explain why the question does not apply. **DO NOT LEAVE ANY QUESTIONS BLANK.**

7 copies of the application package, including the original, must be filed with the commission's filing clerk, per §22.71(c)(9) of the Commission's procedural rules.

The following items must be included in the application package:

- Completed application form, including any attachments
- Copy of notice of city's intent to serve the incorporated or annexed area to the retail public utility
- Completed Oath
- Maps - See the Map section on the application form for more details.

No required filing fee.

7 copies of the completed application package, including the original should be sent to:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Exhibit 1

**TEXAS WATER CODE SECTION 13.255(a) SINGLE
CERTIFICATION AND SERVICE AREA TRANSFER
AGREEMENT BETWEEN THE CITY OF HEATH AND FORNEY LAKE WSC**

This Texas Water Code Section 13.255(a) Single Certification and Service Area Transfer Agreement (the "Agreement") is entered into by the City of Heath, Texas ("City") and Forney Lake Water Supply Corporation ("Forney Lake"), collectively the Parties, in order to grant the City single certification to all water utility service areas within its corporate limits currently certificated to or served by Forney Lake and to transfer water utility service area and customers, and to convey facilities, easements and other property from Forney Lake to the City.

WHEREAS, The City and Forney Lake are each a retail public utility providing retail water service as defined in Texas Water Code §13.002; and

WHEREAS, The City is a home rule municipality under Article XI, §5 of the Texas Constitution and provides water utility service within the area described under Certificate of Convenience and Necessity (CCN) 12060 in Rockwall County, Texas; and

WHEREAS, Forney Lake is a water supply corporation operating under Chapter 67, Texas Water Code and provides retail water utility service within the area described in CCN No. 10086 in Rockwall and Kaufmann Counties; and

WHEREAS, a portion of Forney Lake's certificated service area under CCN 10086 and an area where Forney Lake extended service beyond its certificated service area pursuant to 30 TAC 291.103(a)(1) (A) (the "Transfer Area") are located within the City's corporate limits; and

WHEREAS, the Transfer Area includes approximately 839 Forney Lake water utility customers and large tracts of undeveloped land; and

WHEREAS, the City desires to be the sole retail water service provider in the Transfer Area under its water utility CCN 12060; and

WHEREAS, the City and Forney Lake have reached this Agreement pursuant to Texas Water Code Section 13.255(a) providing for the City to be singly certificated for water utility service in the Transfer Area pursuant to the City's CCN 12060; for the transfer of Forney Lake's certificated service area and customers to the City; and for the sale and conveyance of Forney Lake's water utility service facilities and easements within the Transfer Area to the City; and

WHEREAS, the execution and implementation of this Agreement will resolve pending disputes between the Parties currently abated under PUC Dockets 43463 and 44541.

NOW, THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration described herein, the Parties agree that upon approval from the Public Utility Commission of Texas ("PUC"): (1) the City should be singly certificated to provide retail water utility service in the Transfer Area; (2) Forney Lake shall transfer its water utility CCN area and customers in the Transfer Area to the City; (3) Forney Lake shall sell and convey its water utility facilities and easements in the Transfer Area to the City; and (4) this Agreement will resolve pending disputes between the Parties currently abated under PUC Dockets 43463 and 44541 on the following terms and conditions and in accordance with section 13.255(a) of the Texas Water Code and section 24.120(a) of the PUC's rules.

I. Single Certification and Transfer of CCN Service Area

- a. Forney Lake agrees that the City should be singly certificated for retail water utility service in the Transfer Area.
- b. Forney Lake agrees to transfer to the City its right to provide retail water service in the Transfer Area.
- c. The Parties agree that the service area map attached hereto as Exhibit 1 and incorporated herein as if fully set forth identifies the Transfer Area. The Transfer Area comprises approximately 2600 acres and, on the Effective Date of this Agreement, contains approximately 839 Forney Lake retail water customers.

II. Conveyance of Property

- a. Forney Lake agrees to sell and convey to the City at Closing all of its real and personal property located within the Transfer Area used to provide retail water utility service, including but not limited to all easements, lines, pumps, meters, meter vaults, and other appurtenances. Forney Lake's real property that will be sold and conveyed is more specifically identified in Exhibit 2. Forney Lake's personal property that will be sold and conveyed is more specifically identified in Exhibit 3. Title to Forney Lake's real property shall be conveyed to the City at Closing by assignment of easements and rights of way. Title to Forney Lake's personal property shall be conveyed to the City at Closing by bill of sale and assignment.
- c. Forney Lake warrants that the real and personal property it is required to convey under this Agreement is now and will be, at the time of conveyance, free from any liens, charges, encumbrances, security interests or burdens of any other kind that prevent Forney Lake from conveying to the City clear title to the property.
- d. Forney Lake will maintain the property to be conveyed pursuant to normal industry practices up to the date of conveyance.

III. Resolution of Issues

The Parties stipulate and agree that this Agreement resolves disputes pertaining to: (1) Forney Lake's petition for a cease and desist order against the City in PUC docket number

43463; and (2) the City's Texas Water Code section 13.255(b) application seeking single certification to provide water utility service to areas and customers not currently being served located both in the City's corporate limits and Forney Lake's certificated service area, in PUC docket number 44541.

IV. Compensation

To compensate Forney Lake for its service rights, customers, facilities and easements, the City agrees to pay Forney Lake at Closing the sum of two million, two hundred thousand dollars (\$2,200,000). The Parties agree that this sum constitutes just and reasonable compensation.

V. Conditions Precedent to Closing

The obligations of the Parties to execute and deliver the documents and to pay the compensation described in paragraphs II, IV and VI at Closing are subject to the following conditions:

- a. Following the Effective Date of this Agreement, the City, acting on behalf of the Parties, shall file this Agreement with the PUC and request that the PUC issue its written approval that the terms of this Agreement will be incorporated into the respective CCN's of the Parties upon notification that Closing has occurred.
- b. The PUC must issue its written approval of this Agreement and acknowledge that, upon notification that the Parties have closed, it will incorporate the terms of the Agreement into the respective CCN's of the Parties.
- c. No later than five (5) business days prior to Closing Forney Lake shall deliver to the City drafts of the written instruments by which its property will be conveyed to the City in a form that is acceptable to the City.

VI. Closing

a. Within fifteen (15) business days after the conditions in paragraph V above are satisfied, or at such other time agreed to by the City and Forney Lake in writing, a Closing of this Agreement shall be held. All matters to take place at Closing shall take place simultaneously and no delivery shall be considered to have been made until all documents described herein have been fully executed by the Parties.

b. Delivery by Forney Lake. At Closing Forney Lake shall deliver to the City:

1. A bill of sale and assignment executed and acknowledged by Forney Lake transferring and assigning to the City all rights, title, and interest of Forney Lake in the CCN rights to provide water service in the Transfer Area.

2. A bill of sale and assignment executed and acknowledged by Forney Lake conveying and assigning to the City all rights, title, and interest of Forney Lake in Forney Lake's water supply facilities in the Transfer Area;
 3. An assignment to the City of Forney Lake's easements, rights of way or portions thereof located within the Transfer Area;
 4. An updated list of all customer names and deposits and the address for each customer in the Transfer Area;
 5. A written statement affirming that all customer deposits for those customers located in the Transfer Area have been returned to the customers or a check transferring to the City those customer deposits that have not been returned; and
 6. Any additional documents that in the mutual opinion of the City's counsel and Forney Lake's counsel are reasonably necessary to complete this transaction.
- c. Delivery by the City. At Closing the City shall deliver to Forney Lake compensation in the amount of two million, two hundred thousand dollars (\$2,200,000.00) for (i) the sale and transfer of that portion of Forney Lake's CCN service area located in the Transfer Area to the City; (ii) the sale and conveyance of Forney Lake's water utility facilities and equipment located in the Transfer Area; and (iii) the sale and assignment of Forney Lake's water utility easements and rights of way in the Transfer Area.
- d. At Closing, the Parties shall jointly execute joint motions to be filed with the PUC regarding PUC docket numbers 43463 and 44541 requesting that Forney Lake's petition and the City's application in those dockets be withdrawn as moot pursuant to this Agreement.

VI. Post-Closing Matters

- a. Within five (5) business days after Closing is completed, the Parties shall jointly file with the PUC a written notification that Closing has occurred and request that PUC issue its order incorporating the terms of this Agreement into the Parties' respective CCNs.
- b. Within five (5) business days after the PUC has issued its order incorporating the terms of this Agreement into the Parties' respective CCNs, the Parties shall file the joint motions requesting that Forney Lake's petition in PUC Docket 43463 and the City's application in PUC Docket Nos. 44541 be withdrawn as moot.
- c. Within ninety (90) days after PUC has issued its order incorporating the terms of this Agreement into the parties respective CCN's, the City shall install all connection points connecting the water lines conveyed from Forney Lake to the City's water lines in the Transfer Area. The City shall give reasonable notice of not less than five (5) business days before interconnecting its lines to the lines conveyed from Forney Lake.

d. After the PUC enters its order incorporating the terms of this Agreement into the Parties' respective CCNs, the City authorizes Forney Lake to continue providing water utility service in the Transfer area until the earlier of either: (1) the date the City notifies Forney Lake that the City has connected the facilities conveyed by Forney Lake to the City's water lines and is capable of providing service to the Transfer Area; or (2) 90 days after the PUC enters its final order incorporating the terms of this Agreement into the Parties' CCNs. The City and Forney Lake shall co-operate in jointly reading the meters of the customers in the Transfer Area within five business days following the date that the City commences service.

e. After the City notifies Forney Lake in writing that it is capable of providing water service to the Transfer Area, the City shall be the sole party authorized to provide water utility service to the Transfer Area.

f. The City shall provide notice to its new customers in the Transfer Area that it will be the water utility service provider at least twenty days before the City commences service.

g. The Parties shall coordinate and cooperate as necessary in an effort to ensure that service is not impaired in the Transfer Area when the Parties take actions to connect the water lines conveyed from Forney Lake to the City's water system.

VII. Mutual Cooperation

The Parties agree to coordinate and cooperate in filing and supporting all correspondence, requests, motions, and responses to requests for information necessary to implement this Agreement. All correspondence from one of the Parties to PUC shall be contemporaneously provided to the other party. Each party shall bear its own expenses associated with implementing this Agreement.

VIII. Validity/Severability

This Agreement is indivisible and non-severable. If any provision of this Agreement fails to receive any required regulatory approval or is held invalid, illegal, or unenforceable by a court or other tribunal of competent jurisdiction, this Agreement shall terminate and the Parties shall resume negotiations in an effort to reach a new agreement.

IX. Entire Agreement

This Agreement contains the entire agreement between the Parties and supersedes any and all prior agreements, arrangements or understandings between the Parties relating to the subject matter of this Agreement. No verbal understandings, statements, promises or inducements contrary to the terms of this Agreement exist or may be relied upon by the Parties. This Agreement cannot be amended or modified verbally and any amendments or modifications must be in writing and agreed to and executed by the Parties in order to be effective.

X. Governing Law/Venue

This Agreement shall be governed by, construed and enforced in accordance with, and subject to, the laws of the State of Texas. Any action at law or in equity brought to enforce or interpret any provision of this Agreement shall be brought in a state court of competent jurisdiction with venue in Rockwall County, Texas.

XI. Effective Date

This Agreement becomes effective (the "Effective Date") on the date it has been signed by both of the Parties.

XII. Authority to Execute

By their signatures below, the individuals signing represent and warrant that they have full authority to bind and otherwise compromise the interests of the party they represent.

CITY OF HEATH, TEXAS

Date: Oct 31, 2017

By: Ed Thatcher

Attest: Norma Duncan

FORNEY LAKE WATER SUPPLY
CORPORATION

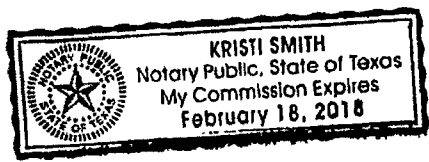
Date: 9/1/17

By: Ron G. Baker

Attest: [Signature]

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

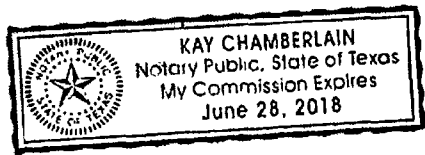
This instrument was acknowledged before me on the 31st day of October, 2017, by Ed Thatcher, on behalf of the City of Heath, Texas.



Kristi Smith
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §




This instrument was acknowledged before me on the 1st day of September, 2017, by Robin Bailey, on behalf of Forney Lake Water Supply Corporation.

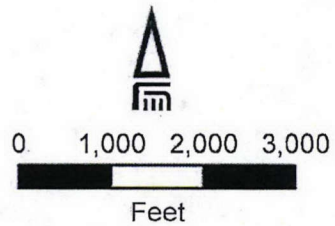


Kay Chamberlain
Notary Public, State of Texas

EXHIBIT 1

Legend

-  HEATH CITY LIMITS
-  AREA CURRENTLY SERVED BY FORNEY LAKE PURSUANT TO CCN 10086 TO BE TRANSFERRED TO HEATH'S CCN 12060
-  AREA CURRENTLY SERVED BY FORNEY LAKE OUTSIDE OF ITS CCN PURSUANT TO 30 TAC 291.103(A)(1) (A) TO BE TRANSFERRED TO HEATH'S CCN 12060



Transfer Area for 13.255(a) Single Certification Agreement between City of Heath and Forney Lake WSC

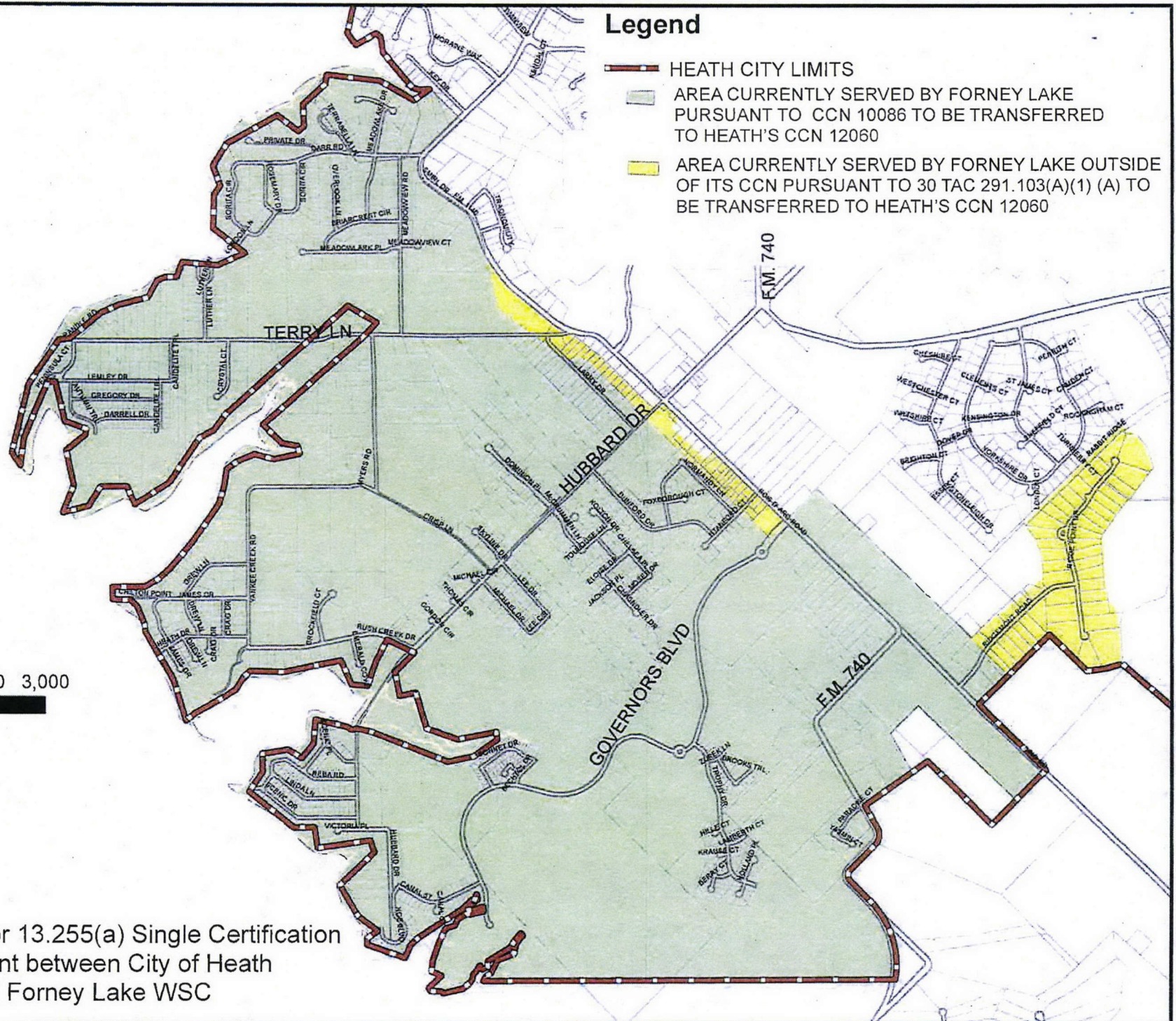


EXHIBIT 2

Forney Lake Real Property to be Conveyed To Heath

The real property to be conveyed by Forney Lake Water Supply Corporation to the City of Heath pursuant to this Agreement includes all of Forney Lake's easements, rights of way, or portions thereof located in the Transfer Area identified in Exhibit 1 of this Agreement, including, but not limited to, those specifically identified on the list and map contained in Attachment A of this Exhibit 2.

EXHIBIT 2: ATTACHMENT A

EASEMENTS TO BE CONVEYED TO THE CITY OF HEATH

FMI #	GRANTOR	VOLUME	PAGE	REMARKS
1	GILBERT L. KING	75	540	SEE EXHIBIT MAP SHEET 7
2	HENRY G. SEALY. HEIRS	72	476	ANNEXTATION TO HEATH (SEE EXHIBIT MAP SHEET 7)
3	MARTIN E. EDWARDS	NOT CONVEYED TO CITY OF HEATH		
4	INA TERRY	75	338	SEE EXHIBIT MAP SHEET 1
5	WESGLO CORPORATION	75	515	SEE EXHIBIT MAP SHEET 2
6	A.G. TAPP	75	331	SEE EXHIBIT MAP SHEET 2
7	LOTS IN CANDLELITE PARK #2	C	187	PLAT V&P - SEE EXHIBIT MAP SHEET 2
8	CITY OF HEATH	106	632	UNABLE TO LOCATE
9	C.R. TERRY , ADMINISTRATOR	87	480	SEE EXHIBIT CANDLELITE PARK NO.2 BELOW
10	SEABOLT ADDITION	106	631	NORTH 15' LOT 8, BLOCK A
10	SEABOLT ADDITION	106	631	15' ALONG BARNES BRIDGE ROAD
10	DARR ESTATES	107	571	WEST 10' LOT 13 BLOCK A
11	K&K DEVELOPMENT COMPANY NO.1	A	94	SEE EXHIBIT MAP SHEET 6
12	JOE A. SCOTT (DEED)	75	325	SEE EXHIBIT MAP SHHET 3
13	E.W. TERRY, JR	75	336	SEE EXHIBIT MAP SHEET 2
14	MINNIE L. WEANT	NOT CONVEYED TO CITY OF HEATH		
15	PANSY ANDERSON	NOT CONVEYED TO CITY OF HEATH		
16	GEORGE ATHENS	75	334	SEE EXHIBIT MAP SHEET 7
17	MILDRED TERRY MIDDLETON	75	335	SEE EXHIBIT MAP SHEET 2
18	M.A. TERRY	75	347	SEE EXHIBIT MAP SHEET 2
19	STERLING B. DAVIS	75	343	SEE EXHIBIT MAP SHEET 2
20	MELVIN MYERS	140	296	SEE EXHIBIT MAP SHEET 2
21	TRAVIS MYERS	140	298	SEE EXHIBIT MAP SHEET 2
22	RONALD O. TOLMAN	150	703	SEE EXHIBIT MAP SHEET 5
23	RONALD D. DAWSON	150	705	SEE EXHIBIT MAP SHEET 7
24	PETER M. SNIDER	150	706	SEE EXHIBIT MAP SHEET 7 & 8
25	SAMUEL HENRY NIX, JR	150	704	SEE EXHIBIT MAP SHEET 7
26	DANIEL A. KOZLONSKY, SR.	135	66	SEE EXHIBIT MAP SHEET 2
27	OPAL SHARRON POWELL	140	297	SEE EXHIBIT MAP SHEET 2
28	OPAL SHARRON POWELL	140	300	SEE EXHIBIT MAP SHEET 2
29	OPAL SALMON	140	490	SEE EXHIBIT MAP SHEET 2

FMI #	GRANTOR	VOLUME	PAGE	REMARKS
30	D.W. MYERS, JR	140	299	SEE EXHIBIT MAP SHEET 2
31	K&K DEVELOPMENT COMPANY NO.2	H	161	SEE EXHIBIT MAP SHEET 3&4
32	J.L. BARROW	?	?	SEE EXHIBIT MAP SHEET 4
33	MABEL TERRY ANDERSON	75	342	SEE EXHIBIT MAP SHEET 2
34	FAYE TERRY GUYNES	75	339	SEE EXHIBIT MAP SHEET 2
35	YVONNE WELLS ANDERSON	75	332	SEE EXHIBIT MAP SHEET 2
36	ELDREDGE LOIS WELLS	75	333	SEE EXHIBIT MAP SHEET 1
37	T.A. JORDAN	75	420	SEE EXHIBIT MAP SHEET 1
38	MARTIN E. EDWARDS	75	422-443	SEE EXHIBIT MAP SHEET 1 & 2
39	JOHN PINION	75	340	SEE EXHIBIT MAP SHEET 1
40	JOHN PINION	75	341	SEE EXHIBIT MAP SHEET 1
41	W.D. JETER	75	344	SEE EXHIBIT MAP SHEET 3
42	EDWARD A. KEIG	75	346	SEE EXHIBIT MAP SHEET 3
43	L.R. HILZ	75	443	SEE EXHIBIT MAP SHEET 3
44	J.T. LOFLAND	75	425	SEE EXHIBIT MAP SHEET 3
45	R.S. BERRY	75	421	SEE EXHIBIT MAP SHEET 2
46	ZET HOLLINNSWORTH	75	345	SEE EXHIBIT MAP SHEET 2
47	W.O. HARRINGTON	75	327	SEE EXHIBIT MAP SHEET 5&6
48	H.E. BROWN, SR.	142	29	SEE EXHIBIT MAP SHEET 6&7
49	CHARLIE M. McMAHAN	?	?	SEE EXHIBIT MAP SHEET 4&7
50	JOE L. EVANS	75	442	SEE EXHIBIT MAP SHEET 5
51	LONNIE L. BROWN	142	29	SEE EXHIBIT MAP SHEET 1
52	WILLIE D.McCULLOUGH	142	30	SEE EXHIBIT MAP SHEET 5
53	R.L. HILL	135	383	SEE EXHIBIT MAP SHEET 2
54	R.L. HILL	135	604	SEE EXHIBIT MAP SHEET 2
55	LEWIS T. EVANS	127	37	SEE EXHIBIT MAP SHEET 3
56	J.E.R. CHILTON, III	127	34	SEE EXHIBIT MAP SHEET 5
57	JAMES ADCOCK	127	36	SEE EXHIBIT MAP SHEET 3
58	JERRY McCHRISTY	127	35	SEE EXHIBIT MAP SHEET 3
59	SHIRLEY DOOD	127	39	SEE EXHIBIT MAP SHEET 3
60	EARL L. ADCOCK	127	38	SEE EXHIBIT MAP SHEET 3
61	R.L. HILL	106	630	SEE EXHIBIT MAP SHEET 2

FMI #	GRANTOR	VOLUME	PAGE	REMARKS
62	J.W. HARRIS	76	20	SEE EXHIBIT MAP SHEET 2
63	ROBERT KOESTER	76	61	SEE EXHIBIT MAP SHEET 2
64	LORENE T. STEWART	76	22	SEE EXHIBIT MAP SHEET 2
65	G.B. CULLIN ESTATE	75	514	SEE EXHIBIT MAP SHEET 5 & 6
66	OWEN WALKER	75	445	SEE EXHIBIT MAP SHEET 2
FORNEY LAKE EASEMENTS SHOWN ON PLATS		VOLUME	PAGE	REMARKS
THE RIDGE		D	357	RECORDED PLAT
	RIDGE POINT CIRCLE	BY PLAT	SHOWN	15' FORNEY LAKE EASEMENT
	RIDGEMONT	BY PLAT	SHOWN	15' FORNEY LAKE EASEMENT
ERRABELLA		F	279	RECORDED PLAT
	ALONG DARR ROAD	75	420	15' FORNEY LAKE EASEMENT
BALDWIN ADDITION		F	60	RECORDED PLAT
	ALONG YANKEE CREEK ROAD	76	19	10' FORNEY LAKE EASEMENT
THE BROWN PROPERTY DIVISION		H	8	RECORDED PLAT
	NE R-O-W FM 740	490	355	10' FORNEY LAKE EASEMENT
BURCH ADDITION		F	116	RECORDED PLAT
	ALONG YANKEE CREEK ROAD	76	19	10' FORNEY LAKE EASEMENT
CANDLELITE PARK PHASE 2		C	187	RECORDED PLAT
	LOT 3R	73	338	15' FORNEY LAKE EASEMENT
	LOT 1R	87	480	15' FORNEY LAKE EASEMENT
FIELDLER ADDITION		H	223	RECORDED PLAT
	ALONG FM 740	75	328	FORNEY LAKE EASEMENT
HEART STONE ESTATES		D	91-92	RECORDED PLAT
	ALONG FM 740 (SEE EXHIBIT FMI #38)	75	423	FORNEY LAKE EASEMENT
HEATH PUBLIC WORKS CENTER ADDITION		H	168	RECORDED PLAT
	ALONG FM 740	75	328	FORNEY LAKE EASEMENT
THE MONEY ADDITION		H	160	RECORDED PLAT
	ALONG YANKEE CREEK ROAD	76	19	10' FORNEY LAKE EASEMENT
MYERS ADDITION		H	149	RECORDED PLAT
	ALONG TERRY LANE	BY PLAT	SHOWN	15' FORNEY LAKE EASEMENT
PEKA ACRES ADDITION		G	9	RECORDED PLAT
	ALONG MYERS ROAD	75	329	15' FORNEY LAKE EASEMENT

FMI #	GRANTOR	VOLUME	PAGE	REMARKS
	OFF PLAT ALONG CRISP ROAD	75	329	15' FORNEY LAKE EASEMENT
	ROCKING H FARM	H	139	RECORDED PLAT
	ALONG TERRY LANE	75	425	FORNEY LAKE EASEMENT (WIDTH NOT SHOWN)
	RUSHCREEK ADDITION	F	87	RECORDED PLAT
	ALONG CRISP ROAD (SHOWN OF PEKA ACRES)	75	329	15' FORNEY LAKE EASEMENT
	CRISP ACRES SUBDIVISION	B	317	RECORDED PLAT
	ALONG CRISP ROAD	75	329	FORNEY LAKE EASEMENT (WIDTH NOT SHOWN)
	MYERS ADDITION	H	149	RECORDED PLAT
	BY PLAT			15' FORNEY LAKE EASEMENT
	EASEMENTS SHOWN ON PLATS	VOLUME	PAGE	REMARKS
	MEADOWLAKE FARM ESTATES 1st INSTALLMENT	5	33	RECORDED PLAT
	BY PLAT			15' WATER LINE EASEMENT
	MEADOWLAKE FARM ESTATES SOUTH	E	114	RECORDED PLAT
	BY PLAT			15' WATER LINE EASEMENT
	MEADOWVIEW ESTATES	B	344	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT
	THE PENINSULA	G	278	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT
	LAKEVIEW MEADOWS	C	83	RECORDED PLAT
	BY PLAT			5' UTILITY EASEMENT ALONG JAMES DRIVE
	YANKEE CREEK ADDITION	5	31	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT
	ANCHOR BAY PHASE 1	C	60	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT
	McCRUMMEN ESTATES	1	147	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT
	ANCHOR BAY PHASE 3	C	65	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT
	ANCHOR BAY PHASE 2	C	63	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT
	VILLAS OF HEATH	G	221	RECORDED PLAT
	BY PLAT			10' UTILITY EASEMENT



SCALE: 1"=400'

LEGEND



INDICATES FORNEY LAKE EASEMENTS NOT SUPPLIED TO THE CITY OF HEATH AND UNABLE TO LOCATE WITH NO DATA SUPPLIED.



INDICATES FORNEY LAKE EASEMENTS PROVIDED TO CITY OF HEATH AND LOCATED



INDICATES EASEMENTS ON PLATS, EITHER IDENTIFIED AS FORNEY LAKE, WATER OR UTILITY EASEMENT.



NOTE: WATER LINES IN STREETS ON EXISTING PLATS WHERE NOT VERIFIED FOR EASEMENTS.

LAKE
RAY
HUBBARD

#10 ~ SEABOLT ADDITION ~ FORNEY LAKE WATER LINE ACCEPTANCE

15' WATER LINE EASEMENT
SHOWN ON MEADOWLAKE
FARM ESTATES 1st
INSTALLMENT
VOL. 5, PG.33

#10 ~ DARR ESTATE ~ FORNEY LAKE
WATER LINE ACCEPTANCE

FORNEY LAKE ESMT.
VOL. 75, PG.420
SHOWN ON
TERRABELLA PLAT

10' UTILITY ESMT.
SHOWN ON
MEADOWVIEW
ESTATES
VOL. B, PG. 344

MEADOWLAKE
15' WATER LINE ESMT.
SHOWN ON MEADOWLAKE
FARM ESTATES SOUTH
VOL. E, PG. 114

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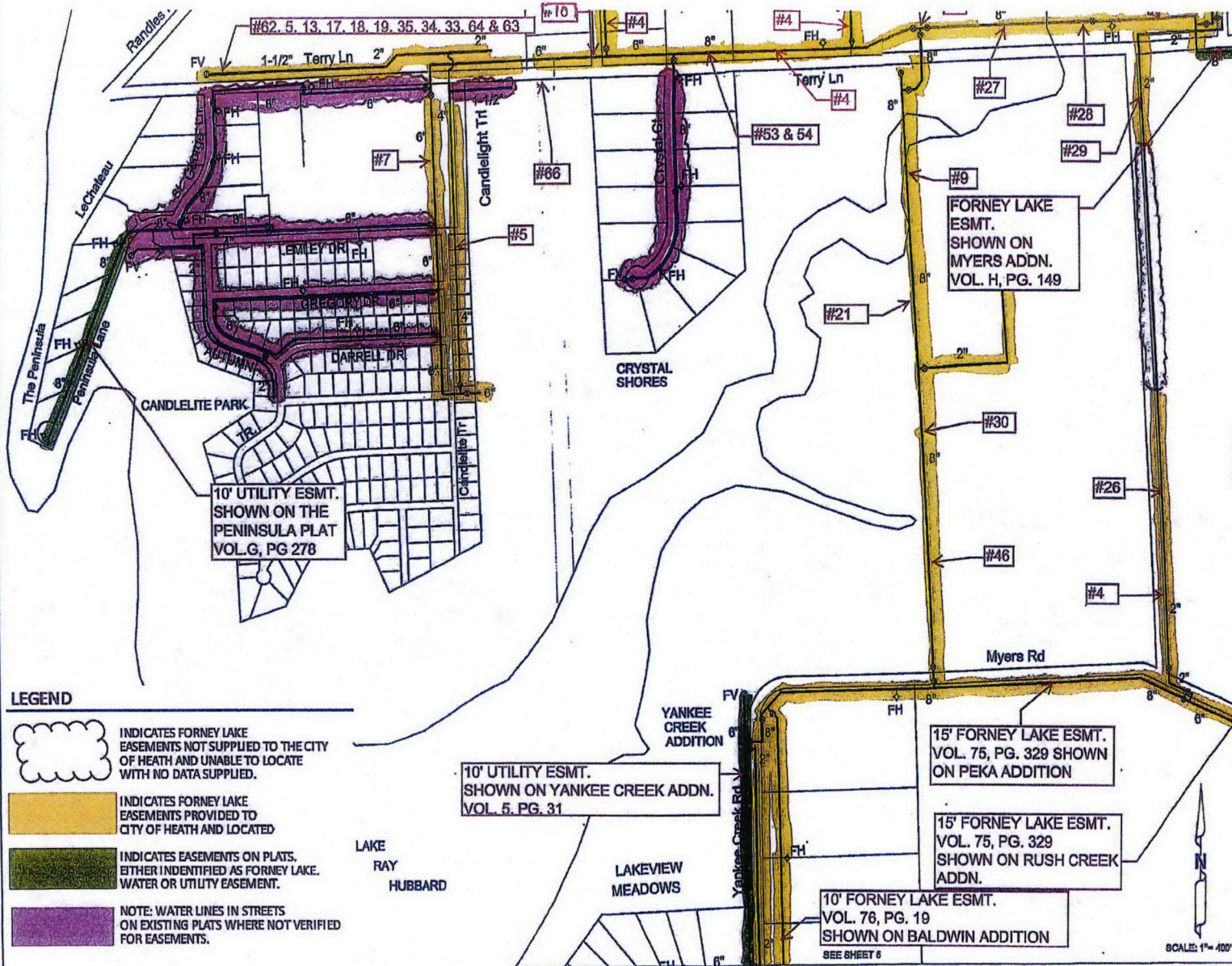
DESIGNED: E.W.D.
DRAWN: M.A.V.
FILE: R000001.Las WISCONSIN MAPSYSTEM MAP

SYSTEM MAP
FOR
FORNEY LAKE
ROCKWALL & KAUFMAN COUNTIES, TEXAS


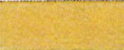

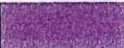
MAP SHEET 1

SHEET 1 OF 15

SEE SHEET 2




LEGEND

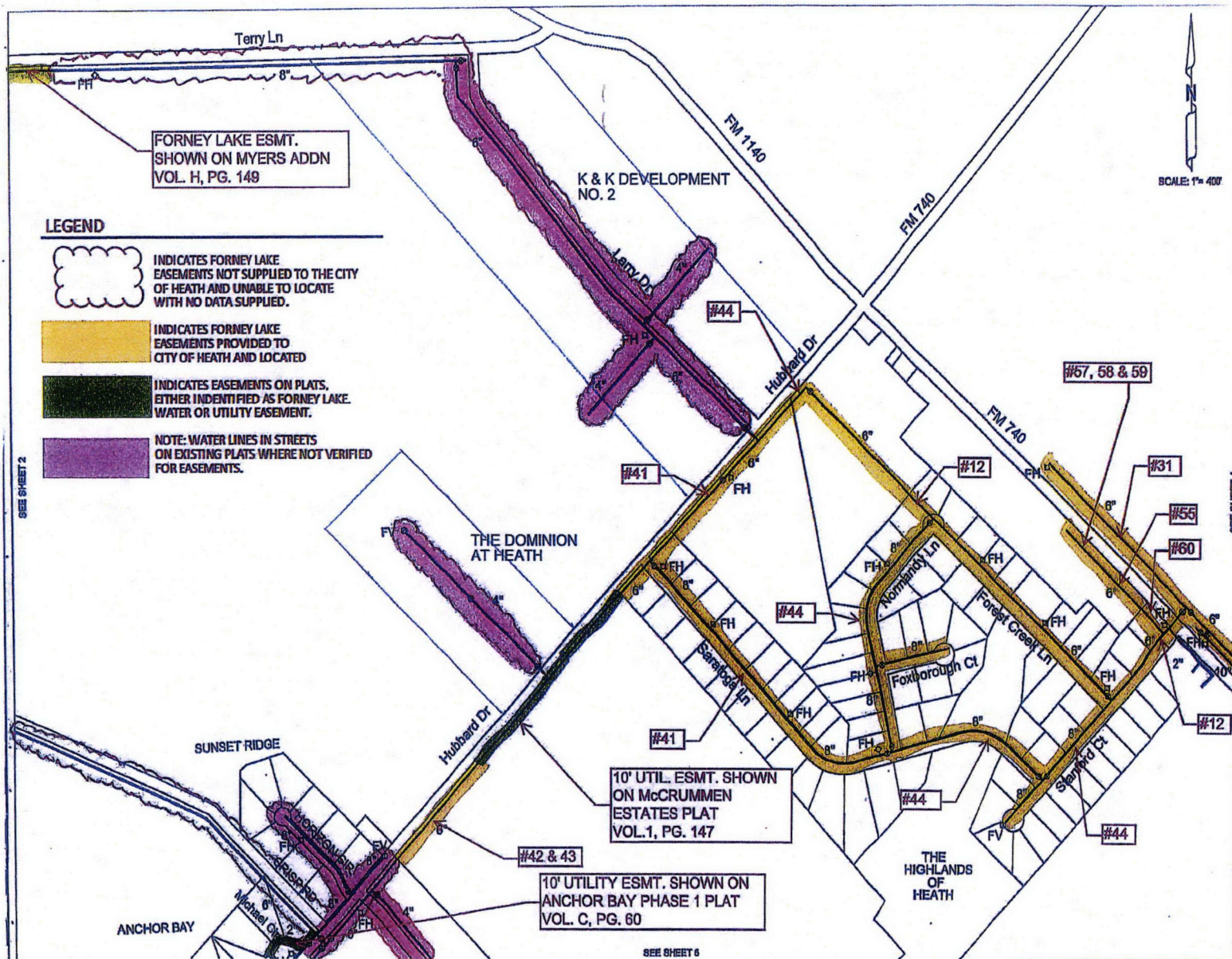
-  INDICATES FORNEY LAKE EASEMENTS NOT SUPPLIED TO THE CITY OF HEATH AND UNABLE TO LOCATE WITH NO DATA SUPPLIED.
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SEE SHEET 3

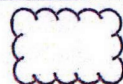
SCALE: 1" = 100'

 DANIEL & BROWN INC. ENGINEERS/CONSULTANTS/PLANNERS 113 McKinney St. P.O. Box 606 Farmersville, Texas 75442 Phone 972-784-7777 Fax 972-782-7721 www.DBIConsultants.com	SYSTEM MAP FOR FORNEY LAKE ROCKWALL & KAUFMAN COUNTIES, TEXAS	
	MAP SHEET 2	

SHEET 2 OF 15



LEGEND



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Fax 972-782-7721

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118 McKinney St.

P.O. Box 606

Farmersville, Texas 75442

DATE: 05/20/09

REVISION: NC

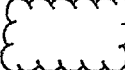
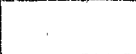


FILE: N:\Forney Lake VISC SYSTEM MAP

SYSTEM MAP
FOR
FORNEY LAKE
ROCKWALL & KAUFMAN COUNTIES, TEXAS

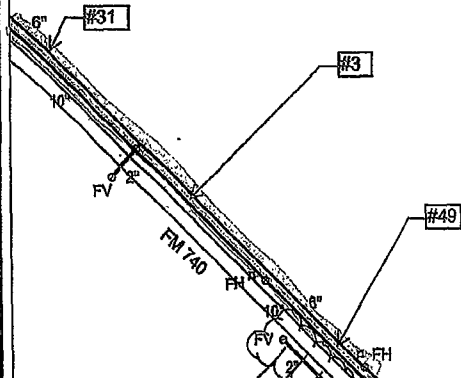
MAP SHEET 3

SHEET 3 OF 16

LEGEND

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SEE SHEET 3



FORNEY LAKE ESMT.
SHOWN ON THE RIDGE
VOL. D, PG. 357

FORNEY LAKE ESMT.
SHOWN ON THE RIDGE
VOL. D, PG. 357

RFF SHEET 7

THE
RIDGE

RIDGE POINT DR

SCALE: 1" = 400'

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www.DBIConsultants.com

DESIGNED BY: DATE: 08/20/00
DRAWN BY: REVISION NO.
PROJECT: LARS WISCONSIN MAP SYSTEM MAP
REGISTRATION NO. F-20223

SYSTEM MAP
FOR
FORNEY LAKE
ROCKWALL & KAUFMAN COUNTIES, TEXAS

MAP SHEET 4

SHEET 4 OF 15



SCALE: 1"=400'

5' UTILITY ESMT.
SHOWN ON LAKEVIEW MEADOW
VOL. C, PG. 83

#56

CLUB ESTATES

JAMES DR

10' FORNEY LAKE
ESMT. VOL. 76, PG.
19 SHOWN ON THE
MONEY ADDITION

10' UTILITY ESMT.
SHOWN ON ANCHOR
BAY PHASE 2
VOL. C, PG. 63

YACHT CLUB RD

10' UTILITY ESMT.
SHOWN ON ANCHOR
BAY PHASE 3
VOL. C, PG. 65

ANCHOR
BAY

#65

LAKE
RAY
HUBBARD

#22

#60

ANTIQUA
BAY

#52

Hubbard Dr

#47

PECAN

FH

LEGEND



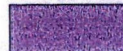
INDICATES FORNEY LAKE
EASEMENTS NOT SUPPLIED TO THE CITY
OF HEATH AND UNABLE TO LOCATE
WITH NO DATA SUPPLIED.



INDICATES FORNEY LAKE
EASEMENTS PROVIDED TO
CITY OF HEATH AND LOCATED



INDICATES EASEMENTS ON PLATS,
EITHER IDENTIFIED AS FORNEY LAKE
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NOTE: WATER LINES IN STREETS
ON EXISTING PLATS WHERE NOT VERIFIED
FOR EASEMENTS.

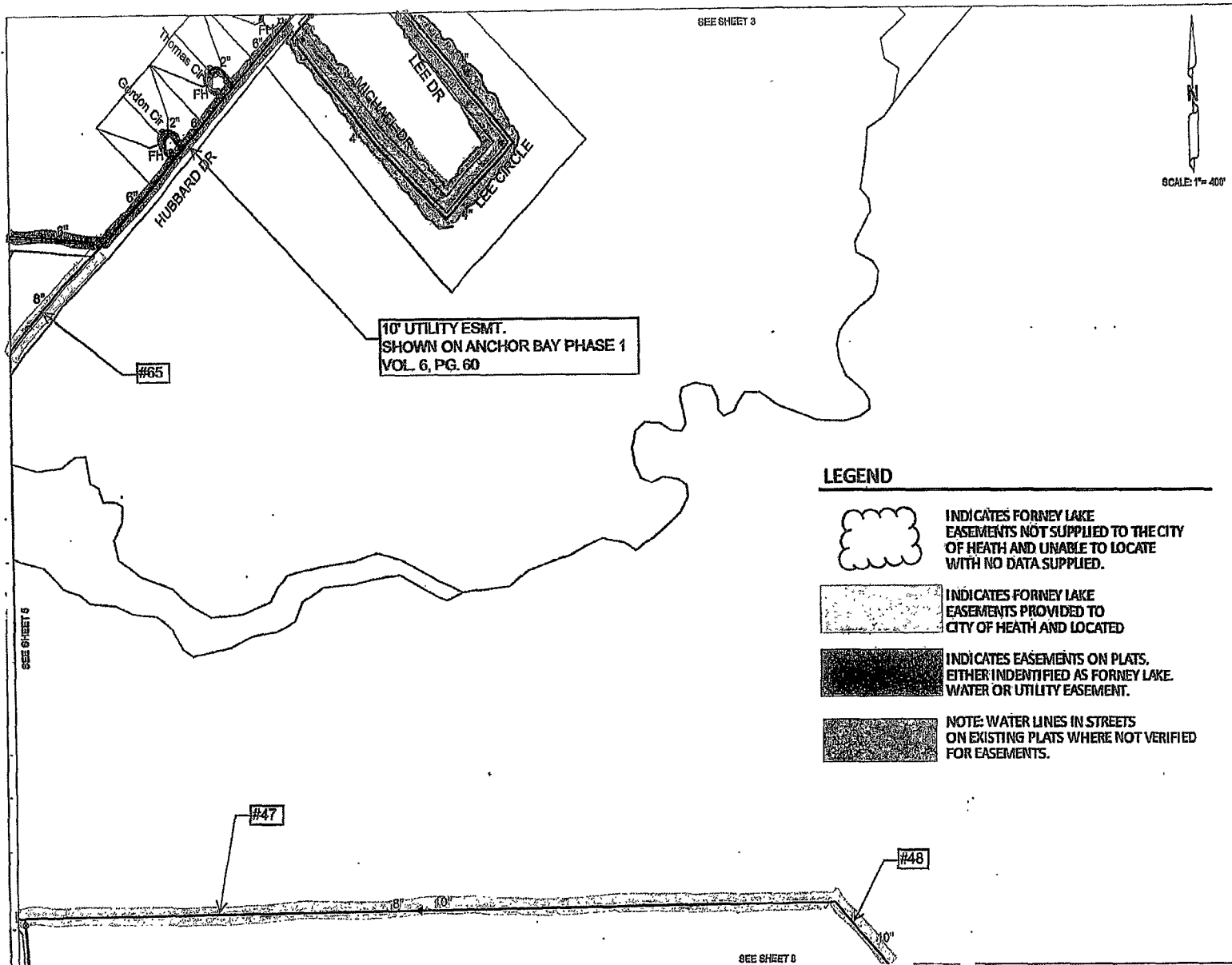
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Fax 972-782-7721
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DESIGNED & D.W. DATE: 6/22/09
DRAWN: M.A.W. REVISION: N/A
FILE: RAYMOND_LAKE_WINDSYSTEM_MAPSYSTEM.MXD
REGISTRATION NO.: F-00225

SYSTEM MAP
FOR
FORNEY LAKE
ROCKWALL & KAUFMAN COUNTIES, TEXAS

MAP SHEET 5

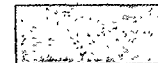
SHEET 5 OF 15



LEGEND



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SCALE: 1"= 400'

SEE SHEET 7

SEE SHEET 8

SEE SHEET 3

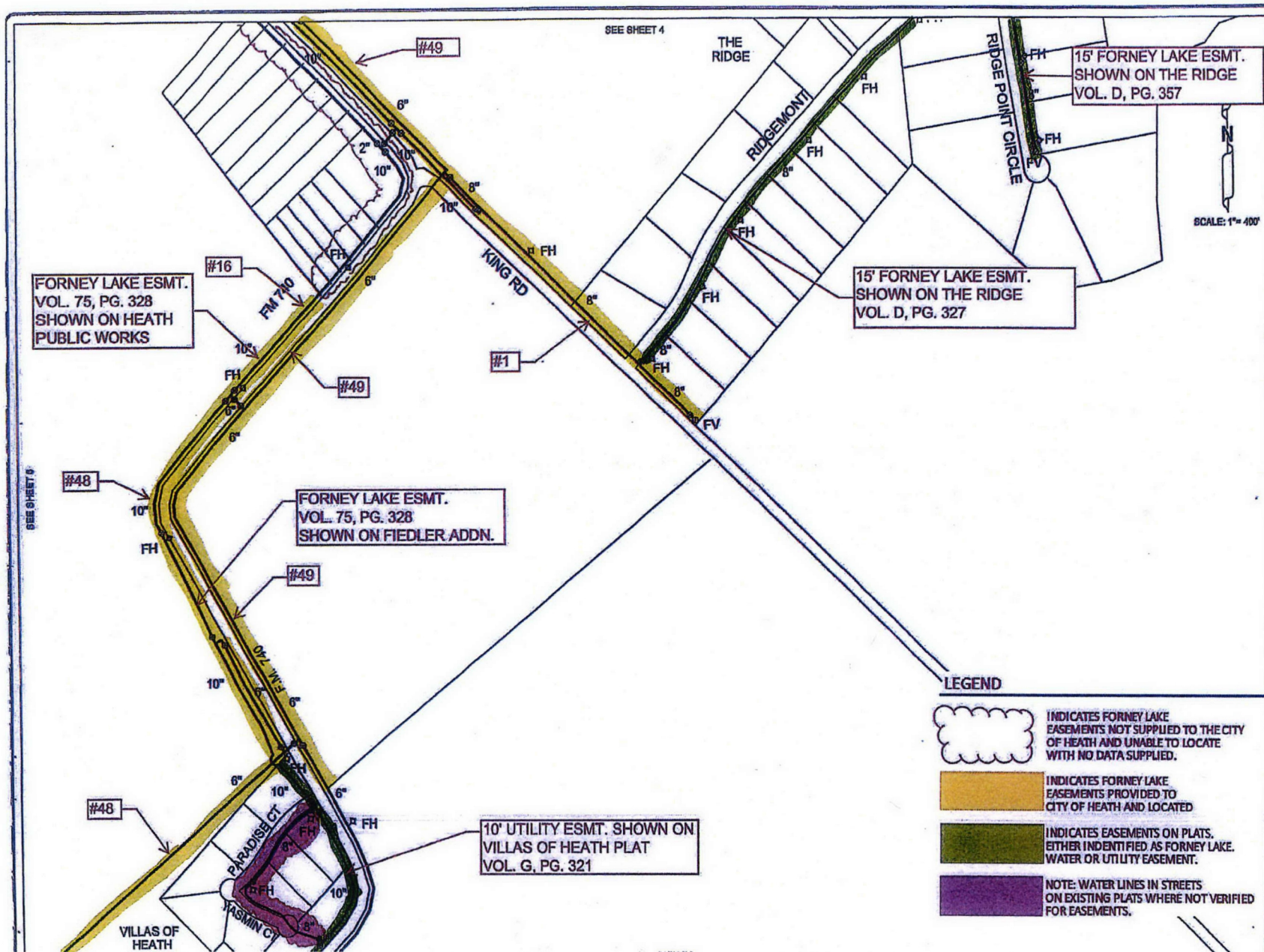
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Farmersville, Texas 75442
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SYSTEM MAP
FOR
FORNEY LAKE
ROCKWALL & KAUFMAN COUNTIES, TEXAS

MAP SHEET 6

SHEET 6 OF 15

DESIGNED: E.W.D.
DRAWN: M.L.C.
DATE CHECKED: 10/1/01
DATE REVISION: 10/1/01
REGISTRATION NO. F-00222



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Farmersville, Texas 75442
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DESIGNED E.W.D.
DRAWN: J.K.W.
FILE: N:\Forney Lake WSC SYSTEM MAP SYSTEM MAP

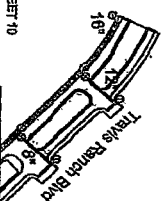
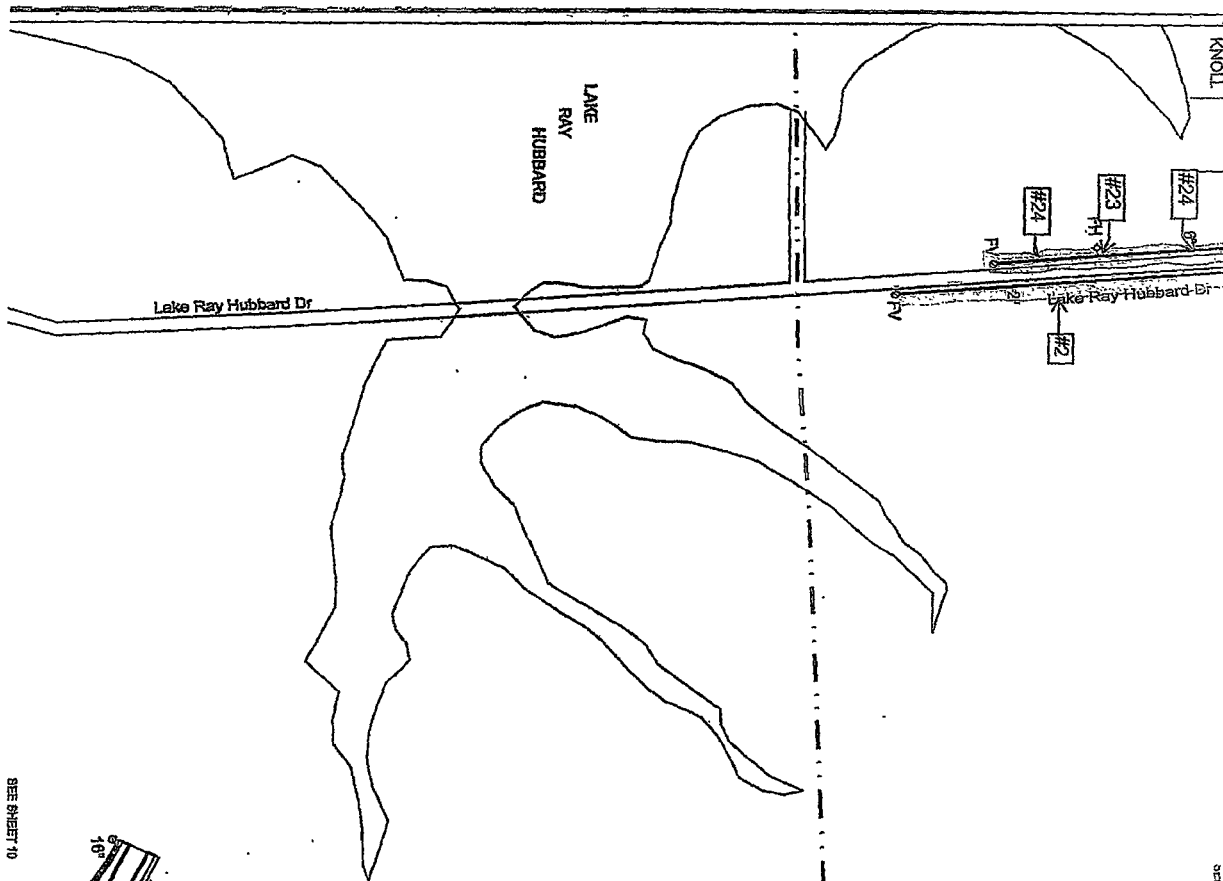
REGISTRATION NO. F-002225

DATE: 02/20/09

REVISION: N/C

SYSTEM MAP
FOR
FORNEY LAKE
ROCKWALL & KAUFMAN COUNTIES, TEXAS

MAP SHEET 7



- LEGEND**
- INDICATES FORNEY LAKE EASEMENTS NOT SUPPLIED TO THE CITY OF HEATH AND UNABLE TO LOCATE WITH NO DATA SUPPLIED.
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SYSTEM MAP
FOR
FORNEY LAKE
ROCKWALL & KAUFMAN COUNTIES, TEXAS

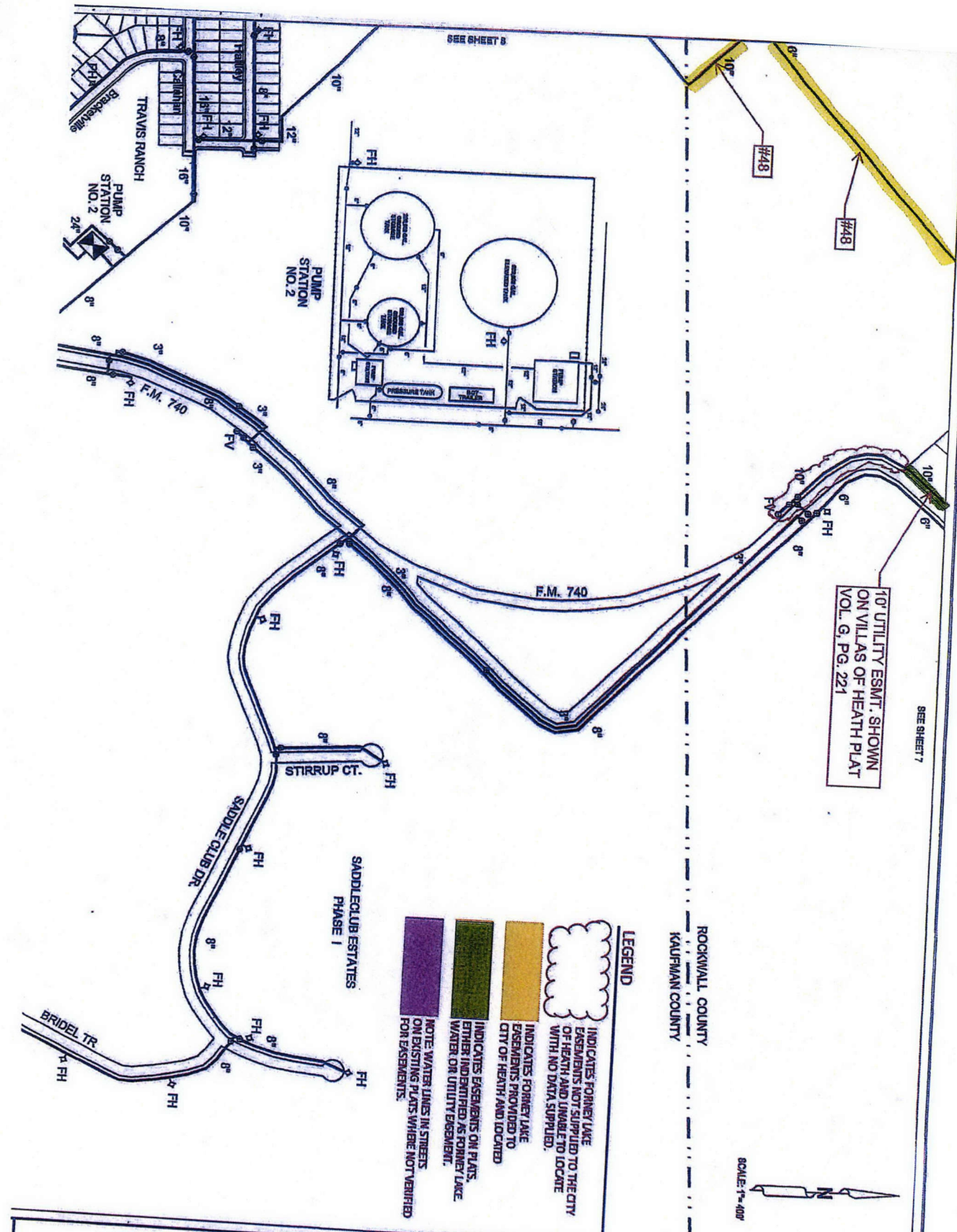
MAP SHEET 8

DBI DANIEL & BROWN INC.
ENGINEERS/CONSULTANTS/PLANNERS

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Farmersville, Texas 75442 www.DBIConsultants.com

DESIGNED: E.W.D.	DATE: 6/5/2009	REGISTRATION NO.: F-006
DRAWN: M.C.W.	REVISION: N/A	
FILE NAME: Forney Lake WSC SYSTEM MAP SYSTEM MAP		

SHEET 8 OF 16



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ENGINEERS/CONSULTANTS/PLANNERS

118 McKinney St.

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P.O. Box 606

Fax 972-782-7721

Farmersville, Texas 75442

www.DBIConsultants.com

DESIGNED: E.W.D.

DATE: 8/3/2009

REGISTRATION NO.: F-002225

DRAWN: M.C.W.

REVISION: INC

FILE: N:\Forney Lake WSC\SYSTEM MAPS\SYSTEM MAP

EXHIBIT 3

FORNEY LAKE WATER SUPPLY CORPORATION**FACILITIES TO BE TRANSFERRED
(CCN Area North of County Line)**

QUANTITY	ITEM DESCRIPTION
14,820	10" waterline with appurtenances
40,234	8" waterline with appurtenances
49,334	6" waterline with appurtenances
15,771	4" waterline with appurtenances
2,518	2.5" waterline with appurtenances
15,607	2" waterline with appurtenances
1,107	1.5" waterline with appurtenances
19	10" gate valve with appurtenances
65	8" gate valve with appurtenances
59	6" gate valve with appurtenances
21	4" gate valve with appurtenances
3	2.5" gate valve with appurtenances
16	2" gate valve with appurtenances
20	flush valve assemblies
103	fire hydrant assemblies
860	existing service units

Exhibit 2

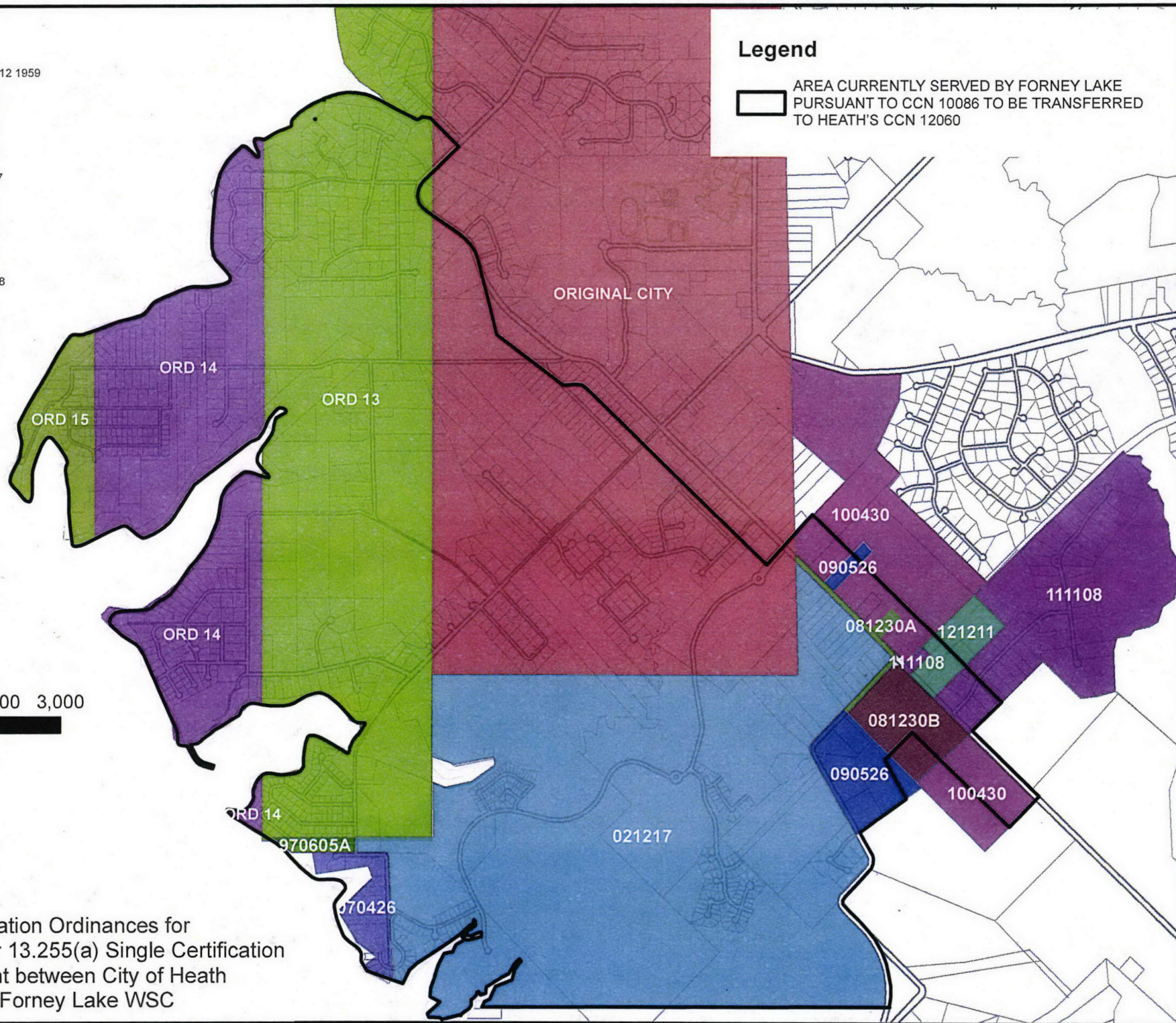
Legend

ORDINANCE, DATE

- ORIGINAL CITY, OCT 12 1959
- ORD 13, FEB 26 1965
- ORD 14, FEB 26 1965
- ORD 15, FEB 26 1965
- 970605A, JUN 19 1997
- 121211, DEC 11 2002
- 021217, DEC 17 2002
- 070426, APR 26 2007
- 081230A, DEC 30 2008
- 081230B, JAN 6 2009
- 090526, MAY 26 2009
- 100430, APR 28 2010
- 111108, NOV 8 2011

Legend

- AREA CURRENTLY SERVED BY FORNEY LAKE
PURSUANT TO CCN 10086 TO BE TRANSFERRED
TO HEATH'S CCN 12060



Annexion Ordinances for
Transfer Area for 13.255(a) Single Certification
Agreement between City of Heath
and Forney Lake WSC

ORIGINAL CITY

16

COMMISSIONERS' COURT ORDER

STATE OF TEXAS

COUNTY OF ROCKWALL

On this the 14 day of August, 1967 A.D., the Commissioners' Court of Rockwall County, Texas, convened in regular session at the Courthouse of the County of Rockwall, located in the City of Rockwall, Texas, and among other proceedings had the following Order came on for consideration and passed:

WHEREAS it appearing to this Court that on the 12th day of October, 1959, the Commissioners' Court of Rockwall County, Texas, in regular session, passed an Order canvassing the votes of an election in Precinct No. 2, Rockwall County, Texas, where- in the County Judge declared that the City of Heath was in- corporated. Said Order is recorded in Volume 7, at page 139 of the Commissioners' Court Minutes of the County of Rockwall, Texas; and

WHEREAS it appearing to the Court that said Order and entry above described inadvertently failed to contain the boundaries of the said City of Heath, said boundaries being as follows:

BEGINNING at a point which extends Southeasterly down the middle of FM Road #740 3000 feet from the center of the intersection of FM #740 and FM #1140, said center of said intersection being within a few feet of the property where Fred Lawrence's Store is presently situated. Said be- ginning point being in the center of FM #740 and being 3000 feet in a Southeasterly direction down the center of FM #740 from the intersection as aforesaid: THENCE due South 1500 feet to a point; THENCE due West 5280 feet to a point; THENCE due North 10,560 feet to a point; THENCE due East 5280 feet to a corner; THENCE due South 9,060 feet to the place of beginning, containing two (2) square miles.

and

WHEREAS it appearing to the Court that said boundaries should have been designated in the entry; Now, therefore,

Be it ORDERED, ADJUDGED AND DECREED by the Commissioners' Court of Rockwall County, Texas, that this Order be

17

entered Nunc Pro Tunc to correct such omission and that the boundaries were as above designated. Be it further ordered, adjudged and decreed by the Commissioners' Court of Rockwall County, Texas, that the previous actions of this Commissioners' Court in relation to the incorporation of the City of Heath are in all things approved, ratified and confirmed; be it further ordered, adjudged and decreed that a certified copy of this Order be filed in the Deed Records of Rockwall County, Texas, along with a certified copy of the previous Order of this Court entered on October 12, 1959, and recorded in Volume 7, at page 139 of the Commissioners' Court Minutes of Rockwall County, Texas, along with the plat of the City of Heath heretofore approved by the Commissioners' Court of Rockwall County, Texas.

The above Order being read, it was moved by N. A. Lindop, Commissioner of Precinct No. 2, and seconded by David Brooks, Commissioner of Precinct No. 3 in open Court, that same pass. Whereupon, said Order passed on this the 14 day of August, 1967, A.D., with all members, signing below, being present and voting in the affirmative.

Derwood Wippee
DERWOOD WIPPEE COUNTY JUDGE

B. D. Willess
B. D. WILLESS, COUNTY COMMISSIONER
Precinct No. 1

David V. Brooks
DAVID V. BROOKS, COUNTY COMMISSIONER
Precinct No. 3

N. A. Lindop
N. A. LINDOP, COUNTY COMMISSIONER
Precinct No. 2

G. L. Dismore
G. L. DISMORE, COUNTY COMMISSIONER
Precinct No. 4

ATTEST:

Elmer A. Payne
Elmer A. Payne, County Clerk and
Ex-officio Clerk of the
Commissioners' Court of Rockwall
County, Texas.



18

The State of Texas
County of Rockwall I, Elmer A. Payne, Clerk of the County
Court, Rockwall County, Texas, hereby certify that the above
and foregoing is a true and correct copy of this instrument
as the same appears (of record, on file) in this office,
vol. 7, page 551, Comm. Ct. Minutes Records, Rockwall
County, Texas.

Witness my hand and seal of office this the 17th day of
August 1957.

Elmer A. Payne
Elmer A. Payne, Clerk of
the County Court, Rockwall
County, Texas
By: _____ Deputy

FILED FOR REC. NO. 17th DAY OF August A.D. 1957 3:30 P.M.
CLERK OF COUNTY COURT OF ROCKWALL COUNTY, TEXAS
Elmer A. Payne
FILED FOR REC. NO. 22nd DAY OF August A.D. 1957 1:00 P.M.
CLERK OF COUNTY COURT OF ROCKWALL COUNTY, TEXAS
Elmer A. Payne

COMMISSIONERS' COURT
October 12, 1959

THE STATE OF TEXAS I
COUNTY OF ROCKWALL I

BE IT REMEMBERED THERE WAS BEGUN AND HOLDEN A REGULAR
SESSION OF THE COMMISSIONERS' COURT AT THE REGULAR MEETING PLACE IN THE
COURTHOUSE OF ROCKWALL COUNTY, TEXAS, ON THE 12th DAY OF OCTOBER, 1959,
WITH THE FOLLOWING MEMBERS PRESENT:

Ralph H. Hall	County Judge
Mrs. B. F. Hartman	Commissioner Precinct No. 1
C. R. Terry	Commissioner Precinct No. 2
G. J. Thompson	Commissioner Precinct No. 3
G. H. Gentry	Commissioner Precinct No. 4
Darwood Wimpee	County Clerk

The Minutes of the preceding meeting were read and approved.

There next came on and for consideration the canvassing of result of
Special Election held in Precinct No. 2, Rockwall County, Texas, on the
29th day of September, 1959. In accordance with the provisions of the
Texas Election Code, the returns of such precinct were received and
canvassed as prescribed by law, and the vote was hereby ordered of record
in the Election Return Record of Rockwall County, and it was further or-
dered that the result of said election be declared as shown by said record.

Motion for such approval and order was made by C. R. Terry, seconded by C. R. Gentry, and the vote of the Court was unanimous in favor thereof. The County Judge ordered that the City of Heath is now incorporated, 19

THE STATE OF TEXAS }

COUNTY OF ROCKWALL }

I, Elmer A. Payne, Clerk of the County Court of Rockwall County, Texas, hereby certify that the above and foregoing is a true and correct copy of this portion of the Commissioners' Court Minutes of October 12th, 1959, as the same appears (of record, on file) in this office, in Volume 7, Page 139, Commissioners' Court Minutes Records, Rockwall County, Texas.

Witness my hand and seal of office, this the 17th day of August, A. D., 1967.

Elmer A. Payne
Elmer A. Payne, Clerk of the County Court, Rockwall County, Texas

BY: _____
Deputy

(SEAL)

FILED FOR RECORD 17th DAY OF August A. D. 1967 AT 3:30 P.M.
RECORDED 22nd DAY OF August A. D. 1967 AT 10:00 A.M.
Elmer A. Payne
ELMER A. PAYNE, CLERK OF THE COUNTY COURT, ROCKWALL COUNTY, TEXAS
BY:

ORDINANCE 13

EXTENSION 4

Exhibit 1

ORDINANCE NO. 13

STATE OF TEXAS X
COUNTY OF ROCKWALL X
CITY OF HEATH X

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO
THE CITY OF HEATH, TEXAS, FOR MUNICIPAL
PURPOSES, SAID PROPERTY BEING ADJACENT AND
CONTIGUOUS TO THE PRESENT CITY LIMITS AND
BEING FULLY DESCRIBED BY METES AND BOUNDS
AS HEREINAFTER SET OUT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HEATH, TEXAS:

1.

That the petition of J. T. Lofland, et al
and others filed with the Mayor of Heath, Texas, on
2-12-65, for annexation to the City of Heath,
Texas, the hereinafter described property which is contiguous
and adjacent to the present city limits and is one half mile
in width, and upon which less than three qualified voters
reside, and upon which petition a hearing was by the Mayor
and City Council this day held, is hereby granted.

2.

That the hereinafter described property be, and the
same is hereby, annexed to the City of Heath, Texas, for
municipal purposes and that the present corporate limits
of the City of Heath, Texas, are hereby extended to embrace
the said property and territory, which is more particularly
described by metes and bounds as follows:

Extension No. 4:

Beginning at a stake in the Northwest corner of extension No. 3;
THENCE: South 15840 ft. distance with the West line of said
limits to a point for a corner;
THENCE: West 2640 ft. distance to a point for a corner;
THENCE: North 15840 ft. distance and parallel said West limits
to a point for a corner;
THENCE: East 2640 ft. distance to the place of beginning.

3.

That the inhabitants of the territory hereby
annexed by the City of Heath, Texas, shall in all respects
be on equal footing with the inhabitants, shall be bound by
the acts, ordinances, resolutions and regulations of the City
of Heath.

4.

That if any section, subsection, word, sentence or
phrase of this ordinance is held invalid, it shall not affect
the remaining part of this ordinance.

5.

The City Secretary is hereby authorized and directed
to file a certified copy of this ordinance, together with a
copy of such petition, in the Office of the County Clerk of
Rockwall County, Texas.

6.

The City Secretary is hereby authorized and
directed to cause a copy of this ordinance to be published
in the officially designated newspaper as required by law.

PASSED AND APPROVED this 2-26-65.

James A. Nash
MAYOR

ATTEST:

L. Gilman Jones
CITY SECRETARY

ORDINANCE 14

EXTENSION 5

ORDINANCE NO. 14

STATE OF TEXAS X
COUNTY OF ROCKWALL X
CITY OF HEATH. X

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO
THE CITY OF HEATH, TEXAS, FOR MUNICIPAL
PURPOSES, SAID PROPERTY BEING ADJACENT AND
CONTIGUOUS TO THE PRESENT CITY LIMITS AND
BEING FULLY DESCRIBED BY METES AND BOUNDS
AS HEREINAFTER SET OUT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HEATH, TEXAS:

1.

That the petition of Mrs. W. M. Middleton, et al
and others filed with the Mayor of Heath, Texas, on
2-12-65, for annexation to the City of Heath,
Texas, the hereinafter described property which is contiguous
and adjacent to the present city limits and is one half mile
in width, and upon which less than three qualified voters
reside, and upon which petition a hearing was by the Mayor
and City Council this day held, is hereby granted.

2.

That the hereinafter described property be, and the
same is hereby, annexed to the City of Heath, Texas, for
municipal purposes and that the present corporate limits
of the City of Heath, Texas, are hereby extended to embrace
the said property and territory, which is more particularly
described by metes and bounds as follows:

Extension No. 5:

Beginning at a stake in the Northwest corner of extension No. 4;
THENCE: South 15840 ft. distance with the West line of said
tract No. 4 to a point for a corner;
THENCE West 2640 ft. distance to a point for a corner;
THENCE: North 15840 ft. distance and parallel said West limits
to a point for a corner;
THENCE: East 2640 ft. distance to the place of beginning.

3.

That the inhabitants of the territory hereby
annexed by the City of Heath, Texas, shall in all respects
be on equal footing with the inhabitants, shall be bound by
the acts, ordinances, resolutions and regulations of the City
of Heath.

4.

That if any section, subsection, word, sentence or
phrase of this ordinance is held invalid, it shall not affect
the remaining part of this ordinance.

5.

The City Secretary is hereby authorized and directed
to file a certified copy of this ordinance, together with a
copy of such petition, in the Office of the County Clerk of
Rockwall County, Texas.

6.

The City Secretary is hereby authorized and
directed to cause a copy of this ordinance to be published
in the officially designated newspaper as required by law.

PASSED AND APPROVED this 2-26-65.

James A. D. Nash
MAYOR

ATTEST:

L. Allen Smith
CITY SECRETARY

ORDINANCE 15

EXTENSION 6

ORDINANCE NO. 15

STATE OF TEXAS X
COUNTY OF ROCKWALL X
CITY OF HEATH X

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO
THE CITY OF HEATH, TEXAS, FOR MUNICIPAL
PURPOSES, SAID PROPERTY BEING ADJACENT AND
CONTIGUOUS TO THE PRESENT CITY LIMITS AND
BEING FULLY DESCRIBED BY METES AND BOUNDS
AS HEREINAFTER SET OUT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HEATH, TEXAS:

1.

That the petition of Rupert L. Randles, et al
and others filed with the Mayor of Heath, Texas, on
2-12-65, for annexation to the City of Heath,
Texas, the hereinafter described property which is contiguous
and adjacent to the present city limits and is one half mile
in width, and upon which less than three qualified voters
reside, and upon which petition a hearing was by the Mayor
and City Council this day held, is hereby granted.

2.

That the hereinafter described property be, and the
same is hereby, annexed to the City of Heath, Texas, for
municipal purposes and that the present corporate limits
of the City of Heath, Texas, are hereby extended to embrace
the said property and territory, which is more particularly
described by metes and bounds as follows:

Extension No. 6:

Beginning at a stake in the northwest corner of extension No. 5:
THENCE: South 15840 ft. distance with the west line of said tract
No. 5 to a point for a corner.
THENCE: West 2640 ft. distance to a point for a corner.
THENCE: North 15840 ft. distance and parallel said west limits
to a point for a corner.
THENCE: East 2640 ft. distance to the point of beginning.

3.

That the inhabitants of the territory hereby
annexed by the City of Heath, Texas, shall in all respects
be on equal footing with the inhabitants, shall be bound by
the acts, ordinances, resolutions and regulations of the City
of Heath.

4.

That if any section, subsection, word, sentence or
phrase of this ordinance is held invalid, it shall not affect
the remaining part of this ordinance.

5.

The City Secretary is hereby authorized and directed
to file a certified copy of this ordinance, together with a
copy of such petition, in the Office of the County Clerk of
Rockwall County, Texas.

6.

The City Secretary is hereby authorized and
directed to cause a copy of this ordinance to be published
in the officially designated newspaper as required by law.

PASSED AND APPROVED this 2-26-65.

James A. Nash
MAYOR

ATTEST:

L. William Long
CITY SECRETARY

ORDINANCE 970625A

CITY OF HEATH, TEXAS

ORDINANCE NO. 970605A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS, AND THE ANNEXATION OF A PART OF THAT CERTAIN TERRITORY KNOWN AS THE ANTIGUA BAY SUBDIVISION, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, public hearings before the governing body of the City of Heath, Texas, were held where all interested persons were provided with an opportunity to be heard on the proposed annexation of the following described territory:

Being a 6.23 acre tract of land situated in the H. J. McKenzie Survey, Abstract No. 157, Rockwall County; said tract being part of the Antigua Bay Subdivision as recorded in Cabinet A, Slide 40 in the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the center line of Hubbard Drive, said point also being the southeast corner of said Antigua Bay Subdivision;

THENCE South 89° 39' 55" West, a distance of 987.05 feet to a point for corner;

THENCE North 50° 37' 05" West, a distance of 375.41 feet, to a point for corner, said point being the southwest corner of Lot 15 in said Antigua Bay Subdivision;

THENCE North 89° 39' 55" East, a distance of 1,275.68 feet to a point for corner, said point being on the center line of Hubbard Drive;

THENCE South 00° 22' 05" East along the center line of Hubbard Drive, a distance of 239.88 feet to the PLACE OF BEGINNING.

A public hearing was held on the 17th day of April, 1997, at 7:30 o'clock p.m., and on the 1st day of May 1997, at 7:30 o'clock p.m., at City Hall, Heath, Texas, said dates being not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, notice of such public hearings was published in a newspaper having general circulation in the City of Heath, Texas, on the 5th day of April, 1997, and on the 19th day of April, 1997 said dates being not more than twenty (20) nor less than ten (10) days prior to the date of such public hearings; and

WHEREAS, the territory lies adjacent to and adjoins the present boundaries of the City of Heath, Texas; and

WHEREAS, the territory above contains 6.23 acres;

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

Section 1. That the above recitals are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. The land and territory more specifically described above and containing 6.23 acres which is adjacent to and adjoining the present boundaries of the City of Heath, Texas, is hereby added and annexed to the City of Heath, Texas, and said territory as described above shall hereafter be included within the boundary limits of the City of Heath, Texas, and the present boundary limits of the City at the various points contiguous to the area as described above, are altered and amended so as to include said area within the corporate limits of the City.

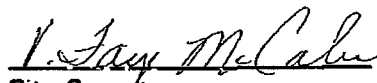
Section 3. The above described territory and the acres so annexed shall be a part of the City of Heath, Texas, and the inhabitants thereof, if any, shall be entitled to all of the rights and privileges of all citizens and shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Heath, Texas.

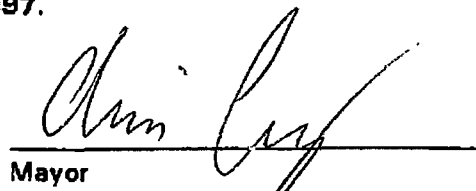
Section 4. That the service plan for the area described above which was made available for public inspection at the public hearings is hereby approved with a copy of said plan being attached hereto and incorporated herein for all purposes and labeled Exhibit A.

Section 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such case provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, this 19 day of June, 1997.

ATTEST:


City Secretary
City of Heath, Texas


Mayor
City of Heath, Texas

APPROVED AS TO FORM:

City Attorney
City of Heath, Texas

First Reading: June 5, 1997

Second Reading: June 19, 1997

CITY OF HEATH, TEXAS
ANNEXATION OF A PART OF ANTIGUA BAY SUBDIVISION

LEGAL DESCRIPTION

Being a 6.23 acre tract of land situated in the H.J. McKenzie Survey, Abstract No. 157, Rockwall County; said tract being part of the Antigua Bay Subdivision as recorded in Cabinet A, Slide 40 in the Deed Records of Rockwall County, Texas and being more particularly described as follows:

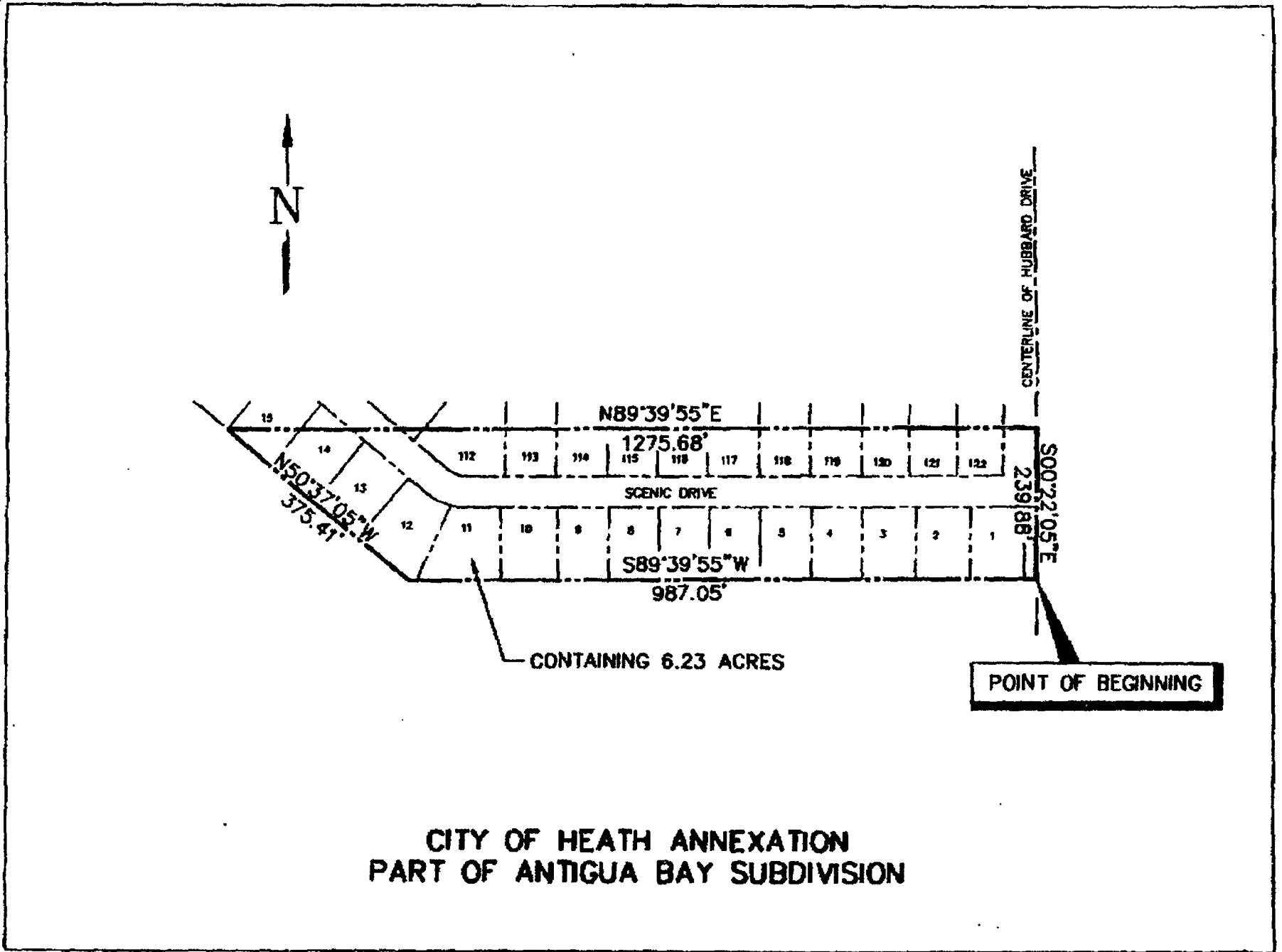
BEGINNING at a point on the center line of Hubbard Drive, said point also being the southeast corner of said Antigua Bay Subdivision;

THENCE South 89deg 39min 55sec West, a distance of 987.05 feet to a point for corner;

THENCE North 50deg 37min 05sec West, a distance of 375.41 feet, to a point for corner, said point being the southwest corner of Lot 15 in said Antigua Bay Subdivision;

THENCE North 89deg 39min 55sec East, a distance of 1,275.68 feet to a point for corner, said point being on the center line of Hubbard Drive;

THENCE South 00deg 22min 05sec East along the center line of Hubbard Drive, a distance of 239.88 feet to the PLACE OF BEGINNING.



ORDINANCE 121211

**CITY OF HEATH
ORDINANCE NO. 121211**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 15.86 ACRES OF PROPERTY COMPRISED OF TRACTS 38-3 and 38-5 OF THE A. RODRIGUEZ SURVEY, ABSTRACT NUMBER 231, IN ROCKWALL COUNTY, TEXAS SITUATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF HEATH, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, all legal notices required for annexation have been given in accordance with law and two (2) public hearings have been held on the proposed annexation of the territory set out herein on the 6th day of November, 2012 and the 20th day of November, 2012; and

WHEREAS, the City Council of the City of Heath has determined that it is advantageous to the City to annex said territory into the City;

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

Section 1. That the recitals herein are hereby found to be true and correct.

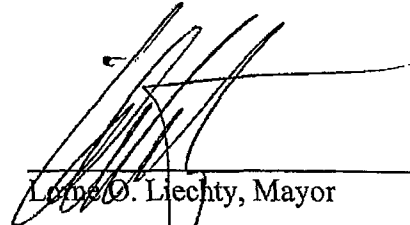
Section 2. That the territory as described herein and all public streets or roadways located with or contiguous to same is hereby annexed to the City of Heath, Texas, to wit: approximately 15.86 acres of property comprised of Tracts 38-3 and 38-5 of the A. Rodriguez Survey, Abstract Number 231, in Rockwall County, Texas situated within the extraterritorial jurisdiction of and adjacent to the corporate limits of the City of Heath, Texas. Said territory is reflected in detail in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 3. The service plan for said territory is hereto attached as Exhibit A and incorporated herein for all purposes.

Section 4. That from and after the adoption of this Ordinance, said territory shall be part of the City of Heath, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens of the City of Heath, Texas, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

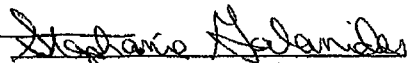
Section 5. That should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions shall remain in full force and effect.

PASSED and **APPROVED** this 11th day of December, 2012.



Lorne O. Liechty, Mayor

ATTEST:



Stephanie Galanides, City Secretary

APPROVED AS TO FORM:

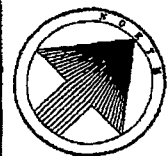
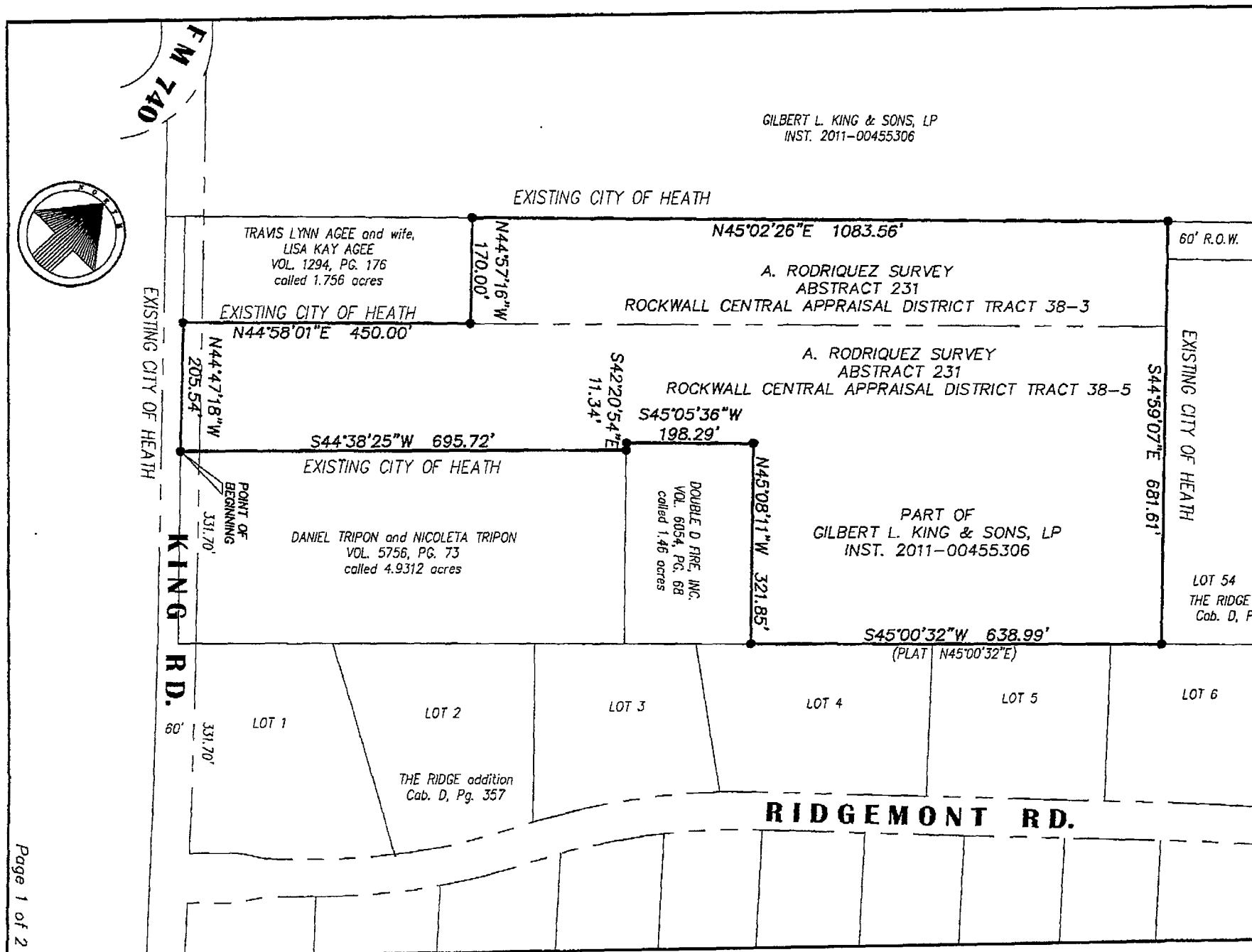
Pete Eckert, City Attorney



ORDINANCE 121211

EXHIBIT A – MAP

EXHIBIT A KING TRACT ANNEXATION



**EXHIBIT A
KING TRACT ANNEXATION**

A tract or parcel of land situated in the A. Rodriguez Survey, Abstract No. 231 in Rockwall County, Texas, and being part of the land described in the deed to Gilbert L. King & Sons, LP recorded in Instrument No. 2011-00455306 in the Rockwall County Deed Records (RCDR), and being more particularly described as follows:

BEGINNING at a point in the approximate center of King Road (60' wide right-of-way) at the southwest corner of the called 4.9312 acres tract described in the deed to Daniel Tripon and Nicoleta Tripon recorded in Volume 5756 Page 73 in the RCDR;

THENCE North 44°47'18" West 205.54 feet along the center of King Road to the southeast corner of the called 1.756 acres tract described in the deed to Travis Lynn Agee and wife, Lisa Kay Agee recorded in Volume 1294 Page 176 in the RCDR;

THENCE North 44°58'01" East 450.00 feet along the southeast side of said Agee tract to the northeast corner of said Agee tract;

THENCE North 44°57'16" West 170.00 feet along the northeast side of said Agee tract to the northwest corner of said Agee tract;

THENCE North 45°02'26" East 1,083.56 feet to the most westerly corner of the 60' wide right-of-way described and dedicated in The Ridge, an addition to Rockwall recorded in Cabinet D Page 357 in the Rockwall County Plat Records;

THENCE South 44°59'07" East 681.61 feet along the southwest side of The Ridge to the southwest corner of Lot 54 of said The Ridge;

THENCE South 45°00'32" West 638.99 feet along the northwest side of said The Ridge to the northeast corner of the called 1.46 acres tract described in the deed to Double D Fire, Inc. recorded in Volume 6054 Page 68 in the RCDR;

THENCE North 45°08'11" West 321.85 feet along the northeast side of said Double D Fire, Inc. tract to the northwest corner of said Double D Fire, Inc. tract;

THENCE South 45°05'36" West 198.29 feet along the northwest side of said Double D Fire, Inc. tract to its southwest corner;

THENCE South 42°20'54" East 11.34 feet along the southwest side of said Double D Fire, Inc. tract to the northwest corner of said Tripon tract;

THENCE South 44°38'25" West 695.72 feet along the northwest side of said Tripon tract to the point of beginning and Containing 15.86 acres of land inore or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

ORDINANCE 21217

On: Dec 20, 2002 at 02:58P

CITY OF HEATH, TEXAS ^{By,} _{ancine}

ORDINANCE NO. 021217

00269102

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HEATH, TEXAS, PROVIDING FOR THE EXTENSION OF THE
BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS, AND THE
ANNEXATION INTO THE CITY LIMITS OF CERTAIN TERRITORY
CONSISTING OF APPROXIMATELY 850 ACRES OF LAND, WHICH
TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT
BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS;
PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, in accordance with Chapter 43, Texas Local Government Code, the City Council of the City of Heath, Texas (the "City") conducted public hearings as set forth below at which all interested persons were given the opportunity to be heard regarding the proposed annexation of that territory adjacent to the current City limits and which is described in Exhibit "A" and "A1" attached hereto and incorporated herein for all purposes; and

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WHEREAS, said public hearings were held on the 7th day of November 2002, at 7:30 p.m. and on the 14th day of November 2002, at 7:30 p.m., at Heath City Hall, 200 Laurence Drive, Heath, Texas, the said dates being not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, notice of such public hearings was published in a newspaper having general circulation in the City of Heath, Texas, on the 25th day of October 2002, and on the 30th day of October 2002, said dates being not more than twenty (20) more nor less than ten (10) days prior to the date of such public hearings; and

WHEREAS, the territory lies adjacent to and adjoins the present boundaries of the City of Heath, Texas and consists of approximately 850 acres of land; and

WHEREAS, the City Council hereby finds that Section 43.021 Texas Local Government Code provides authority for Home Rule Cities to fix the boundaries of the City, and to extend the boundaries and annex areas adjacent to the City; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interests of the citizens of the City of Heath, Texas.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and incorporated herein for all purposes.

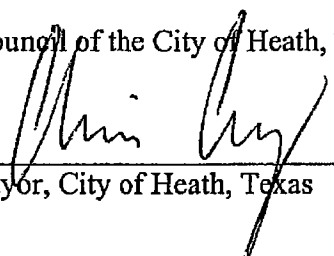
Section 2. **Annexation.** The land and territory more specifically described in Exhibit "A" and "A1" attached hereto and incorporated herein for all purposes and containing approximately 840 acres of land and which is adjacent to and adjoining the present boundaries of the City of Heath, Texas is hereby added and annexed to the City of Heath, Texas, and the said territory shall hereafter be included within the boundary limits of the City of Heath, Texas, and the present boundary limits in various points contiguous to the area as described above are altered and amended so as to include said area within the corporate limits of the City.

Section 3. **Rights of Citizens.** The above described territory and the acres so annexed shall be a part of the City of Heath, Texas, and the inhabitants thereof, if any, shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Heath, Texas.

Section 4. **Service Plan.** The service plan for the area described above which was made available for public inspection at the public hearings is hereby approved with a copy of said plan being attached hereto and incorporated herein for all purposes and labeled Exhibit "B."

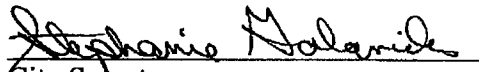
Section 5. **Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Heath, Texas, this 17th day of December, 2002.



Mayor, City of Heath, Texas

ATTEST:



City Secretary

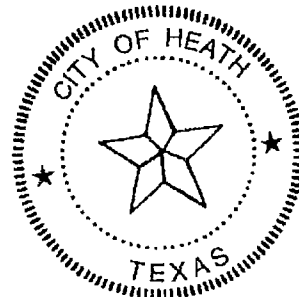


EXHIBIT A
ORDINANCE NO.021217
CITY OF HEATH, TEXAS
ANNEXATION

BEING a 812.641 acre tract of land situated in Rockwall and Kaufman Counties, Texas and being out of the J. Canter Survey, Abstract No. 53 in Rockwall County (called J. Canter Survey, Abstract No. 85 in Kaufman County) and the G. Paschall Survey, Abstract No. 180 in Rockwall County (called G. Paschall Survey, Abstract No. 404 in Kaufman County) and the said tract being further described as follows:

COMMENCING at the intersection of the present corporate limit of the city of Heath with the centerline of F.M. Highway 740, said point also being 3000 feet southeast from the intersection of the centerline of F.M. Highway 740 and the centerline of F.M. Highway 1140;

THENCE South 1°6'29" East along the present corporate limit of the city of Heath, a distance of 56.98 feet to the southwest right-of-way line of F.M. Highway 740, an 80-foot right-of-way to the POINT OF BEGINNING of this description;

THENCE leaving the present corporate limit of the city of Heath in a southerly direction along the westerly right-of-way line of F.M. Highway 740 as follows:

South 45°41'47" East a distance of 1954.82 feet;

THENCE a curve to the right having a radius of 88.80 feet and a length of 139.07 feet with a chord bearing of South 0°49'55" East;

THENCE South 44°5'13" West a distance of 1707.05 feet;

THENCE a curve to the left having a radius of 178.10 feet and a length of 226.24 feet with a chord bearing of South 7°41'45" West;

THENCE South 29°25'05" East a distance of 1812.49 feet;

THENCE a curve to the right having a radius of 137.67 feet and a length of 175.33 feet with a chord bearing of South 7°3'57" West;

THENCE South 43°59'13" West a distance of 553.08 feet;

THENCE a curve to the left having a radius of 194.90 feet and a length of 304.42 feet with a chord bearing of South 0°45'34" East;

THENCE South 45°30'20" East a distance of 373.66 feet;

THENCE South 44°18'15" West a distance of 4.90 feet;

THENCE a curve to the right having a radius of 1387.41 feet and a length of 1206.65 feet with a chord bearing of South 20°46'50" East;

THENCE South 88°53'31" West leaving the westerly right-of-way of F.M. Highway 740 a distance of 6234.01 feet to a point on the take line of Lake Ray Hubbard and the east corporate limits of the city of Dallas;

THENCE northerly along the take line of Lake Ray Hubbard and the east corporate limits of the city of Dallas as follows:

North 30°24'08" East a distance of 97.25 feet;

THENCE North 63°48'01" East a distance of 81.44 feet;

THENCE North 23°47'38" East a distance of 223.72 feet;

THENCE North 67°43'21" East a distance of 294.48 feet;

THENCE North 5°56'19" East a distance of 146.08 feet;

THENCE North 31°46'19" East a distance of 111.94 feet;

THENCE South 86°49'01" East a distance of 152.52 feet;

THENCE North 54°8'39" East a distance of 70.13 feet;

THENCE North 43°6'37" West a distance of 143.05 feet;

THENCE South 74°34'16" West a distance of 176.48 feet;

THENCE South 29°26'23" West a distance of 324.95 feet;

THENCE South 57°43'42" West a distance of 318.96 feet;

THENCE South 4°33'50" West a distance of 94.06 feet;

THENCE South 64°8'43" West a distance of 88.30 feet;

THENCE North 31°59'44" West a distance of 65.42 feet;

THENCE South 57°43'49" West a distance of 27.57 feet;

THENCE South 7°19'56" West a distance of 24.28 feet;

THENCE South 37°5'36" West a distance of 73.28 feet;

THENCE South 43°55'43" West a distance of 58.02 feet;
THENCE South 1°37'35" West a distance of 68.18 feet;
THENCE South 30°1'27" West a distance of 64.11 feet;
THENCE South 51°1'57" West a distance of 153.33 feet;
THENCE South 76°10'57" West a distance of 307.30 feet;
THENCE North 49°48'56" West a distance of 35.84 feet;
THENCE North 88°19'52" West a distance of 168.40 feet;
THENCE North 27°31'32" West a distance of 56.70 feet;
THENCE North 45°31'39" East a distance of 266.01 feet;
THENCE North 64°17'34" West a distance of 169.60 feet;
THENCE North 6°19'57" East a distance of 164.40 feet;
THENCE North 16°51'50" East a distance of 296.39 feet;
THENCE North 25°38'50" East a distance of 235.72 feet;
THENCE North 71°45'20" East a distance of 146.55 feet;
THENCE North 22°11'30" East a distance of 114.04 feet;
THENCE North 60°4'13" East a distance of 160.21 feet;
THENCE South 84°7'07" East a distance of 59.57 feet;
THENCE North 75°19'19" East a distance of 205.79 feet;
THENCE North 87°13'35" East a distance of 113.62 feet;
THENCE North 15°38'55" East a distance of 80.92 feet;
THENCE South 83°48'52" West a distance of 182.98 feet;
THENCE South 67°15'02" West a distance of 123.23 feet;
THENCE North 87°11'54" West a distance of 78.23 feet;

THENCE South 55°49'29" West a distance of 62.92 feet;

THENCE North 40°2'19" West a distance of 20.95 feet;

THENCE North 54°42'27" East a distance of 97.98 feet;

THENCE North 21°23'44" East a distance of 56.99 feet;

THENCE North 82°27'31" East a distance of 38.67 feet;

THENCE North 48°45'48" East a distance of 91.20 feet;

THENCE North 3°12'14" West a distance of 62.74 feet;

THENCE North 36°2'40" West a distance of 32.94 feet;

THENCE South 13°11'09" West a distance of 54.69 feet;

THENCE South 23°13'13" West a distance of 61.72 feet;

THENCE North 34°33'11" West a distance of 33.01 feet;

THENCE South 45°52'46" West a distance of 223.95 feet;

THENCE South 55°42'15" West a distance of 825.85 feet;

THENCE South 44°56'17" West a distance of 138.31 feet;

THENCE South 24°14'50" West a distance of 219.81 feet;

THENCE North 64°24'10" West a distance of 49.83 feet;

THENCE North 70°28'20" West a distance of 102.52 feet to the east right-of-way line of Hubbard Drive a variable width right-of-way, said point being 35 feet from the centerline of Hubbard Drive;

THENCE along the east and north right-of-way line of Hubbard Drive as follows:

North 2°36'55" West a distance of 477.35 feet;

THENCE South 87°23'05" West a distance of 10.00 feet to a point twenty-five feet from the centerline of Hubbard Drive;

THENCE North 2°36'55" West continuing on the east right-of-way line of Hubbard Drive a distance of 937.53 feet;

THENCE North 3°33'41" West a distance of 514.31 feet;

THENCE South 89°11'43" West a distance of 25.39 feet;

THENCE North 67°54'56" West a distance of 88.00 feet;

THENCE North 88°31'01" West along the north right-of-way line of Hubbard Drive a distance of 135.59 feet;

THENCE South 88°42'03" West a distance of 261.34 feet to the centerline of Hubbard Drive;

THENCE along the existing corporate limit of the city of Heath as follows:

North 0°56'55" West along the centerline of Hubbard Drive a distance of 248.27 feet;

THENCE North 88°53'31" East along the south corporate limit of the city of Heath a distance of 1654.87 feet;

THENCE North 1°6'29" West a distance of 2640.00 feet;

THENCE North 88°53'31" East a distance of 5280.00 feet;

THENCE North 1°6'29" West a distance of 1443.01 feet to the POINT OF BEGINNING and containing 812.641 acres, more or less.

Basis of bearings: Texas State Plane Coordinates, North Central Zone, NAD83.

ORDINANCE 070426

CITY OF HEATH
ORDINANCE NO. 070426

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 75.871 ACRES OF LAND, SPECIFICALLY:

- A. Approximately 1.8 acres of land situated in the I. Briscoe Survey A-38, Tract 26-2 in Kaufman County;
 - B. Approximately 3.065 acres of land situated in the I. Briscoe Survey A-38, Tract 1-01 in Rockwall County;
 - C. Approximately 2 acres of land situated in the I. Briscoe Survey A-38, Tract 1 in Rockwall County;
 - D. The Misty Bend Subdivision, Rockwall County, Texas, being 8.89 acres of land;
 - E. The Pecan Knoll Subdivision, Rockwall County, Texas, being 7.016 acres of land and .45 acres of right-of-way on Victoria Place that may or may not be included in the subdivision;
 - F. Approximately 4.27 acres, (3,100 feet, approximately 60 feet wide) of Rockwall County and Kaufman County Right-of-Way along Hubbard Drive not located in the corporate limits of Heath or in the above-referenced properties;
 - G. Approximately 14.63 acres of land situated in the A. Rodriguez Survey, A-231, Tract 15 in Rockwall County;
 - H. The Estates at Rabbit Ridge Subdivision, Rockwall County, Texas, being 6.12 acres of land;
 - I. Portions of F.M. 549 adjacent to the corporate limits of and located in the extraterritorial jurisdiction of the City of Heath described as follows: approximately 27.63 acres, (1.9 miles, approximately 120 feet wide) of State of Texas Right of Way on F.M. 549 from the intersection of F.M. 549, F.M. 740 and F.M. 550 to the intersection of F.M. 549 and F.M. 3097 (Horizon Road);
- PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, all legal notices required for annexation have been given in accordance with law and two (2) public hearings have been held on the proposed annexation of the territory set out herein on the 22nd day of March and the 5th day of April, 2007; and

WHEREAS, the City Council of the City of Heath has determined that it is advantageous to the City to annex said territory into the City;

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

- Section 1.** That the recitals herein are hereby found to be true and correct.
- Section 2.** The service plan for said territory is hereto attached as **Exhibit A** and incorporated herein for all purposes.
- Section 3.** That the territory as described herein and all public streets or roadways located with or contiguous to same is hereby annexed to the City of Heath, Texas, to wit: consisting of 75.871 acres of land, specifically: approximately 1.84 acres of land situated in the I. Briscoe Survey A-38, Tract 26-2 in Kaufman County; approximately 3.065 acres of land situated in the I. Briscoe Survey A-38, Tract 1-01 in Rockwall County; approximately 2 acres of land situated in the I. Briscoe Survey A-38, Tract 1 in Rockwall County; the Misty Bend Subdivision, Rockwall County, Texas, being 8.89 acres of land; the Pecan Knoll Subdivision, Rockwall County, Texas, being 7.016 acres of land and .45 acres of right-of-way on Victoria Place that may or may not be included in the subdivision; approximately 3,100 feet (4.27 acres at 60 ft width) of Rockwall County and Kaufman County Right-of-Way along Hubbard Drive not located in the corporate limits of Heath or in the above-

Please contact the Staff if you have questions or need additional information regarding items on the Agenda.

referenced properties; approximately 14.63 acres of land situated in the A. Rodriguez Survey, A-231, Tract 15 in Rockwall County; the Estates at Rabbit Ridge Subdivision, Rockwall County, Texas, being 6.12 acres of land; and portions of F.M. 549 adjacent to the corporate limits of and located in the extraterritorial jurisdiction of the City of Heath described as follows: approximately 1.9 miles (27.63 acres, approximately 120 feet wide) of State of Texas Right of Way on F.M. 549 from the intersection of F.M. 549, F.M. 740 and F.M. 550 to the intersection of F.M. 549 and F.M. 3097 (Horizon Road) located adjacent to the City of Heath's corporate limits. Said territory is more particularly described in **Exhibit B**, with attachments, attached hereto and incorporated herein for all purposes.

Section 4. That from and after the adoption of this Ordinance, said territory shall be part of the City of Heath, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens of the City of Heath, Texas, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

Section 5. That should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions shall remain in full force and effect.

PASSED and APPROVED this 26th day of April, 2007.

John Ratcliffe, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Galanides, City Secretary

Pete Eckert, City Attorney

ORDINANCE 081230A

**CITY OF HEATH
ORDINANCE NO. 081230A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS
PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE
CITY OF HEATH, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY
CONSISTING OF APPROXIMATELY 101.76 ACRES OF LAND, SPECIFICALLY:**

Tract 7, Tract 12-2, Tract 12-3, Tract 12-6, Tract 12-7, Tract 12-8, Tract 12-9, Tract 13, Tract 17, Tract 34, a portion of Tract 34-2, Tract 34-10, a portion of Tract 34-11, Tract 38-6, Tract 39, Tract 43, Tract 43-3, Tract 43-4, Tract 43-5, Tract 43-7, Tract 47-1, Tract 54-1, Tract 54-2, Tract 54-3, Tract 54-4 and Tract 67 in the A. Rodriguez Survey Abstract No. 231, Tract 22-1 in the W. W. Ford Survey Abstract No. 80, Roadway and Right of Way on Rabbit Ridge Road from Jeff Boyd Road to McDonald Road Adjacent to the City of Heath's Corporate Limits and Roadway and Right of Way on FM 740 from the current corporate limits and ending adjacent to Tract 29-1 in the J. Canter Survey Abstract No. 53 Adjacent to the City of Heath's Corporate Limits consisting of 101.76 acres.

PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, all legal notices required for annexation have been given in accordance with law and two (2) public hearings have been held on the proposed annexation of the territory set out herein on the 8th day of December and the 9th day of December, 2008; and

WHEREAS, the City Council of the City of Heath has determined that it is advantageous to the City to annex said territory into the City;

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

Section 1. That the recitals herein are hereby found to be true and correct.

Section 2. The service plan for said territory is hereto attached as **Exhibit A** and incorporated herein for all purposes.

Section 3. That the territory as described herein and all public streets or roadways located with or contiguous to same is hereby annexed to the City of Heath, Texas, to wit: Tract 7, Tract 12-2, Tract 12-3, Tract 12-6, Tract 12-7, Tract 12-8, Tract 12-9, Tract 13, Tract 17, Tract 34, a portion of Tract 34-2, Tract 34-10, a portion of Tract 34-11, Tract 38-6, Tract 39, Tract 43, Tract 43-3, Tract 43-4, Tract 43-5, Tract 43-7, Tract 47-1, Tract 54-1, Tract 54-2, Tract 54-3, Tract 54-4 and Tract 67 in the A. Rodriguez Survey Abstract No. 231, Tract 22-1 in the W. W. Ford Survey Abstract No. 80, Roadway and Right of Way on Rabbit Ridge Road from Jeff Boyd Road to McDonald Road Adjacent to the City of Heath's Corporate Limits and Roadway and Right of Way on FM 740 from the current corporate limits and ending adjacent to Tract 29-1 in the J. Canter Survey Abstract No. 53 Adjacent to the City of Heath's Corporate Limits consisting of 101.76 acres. Said territory is more reflected in **Exhibit B**, with attachments, attached hereto and incorporated herein for all purposes.

Section 4. That from and after the adoption of this Ordinance, said territory shall be part of the City of Heath, Texas, and the inhabitants thereof shall be entitled to all the rights and

privileges of all citizens of the City of Heath, Texas, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

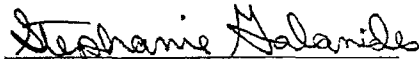
Section 5. That should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions shall remain in full force and effect.

PASSED and APPROVED this 30th day of December, 2008.




John Ratcliffe, Mayor

ATTEST:


Stephanie Galanides, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney

Rockwall County
Lisa Constant
County Clerk

COPY



70 2008 00409624

Rockwall, Texas 75087 (972) 204-6300

Instrument Number: 2008-00409624

As

Recorded On: December 31, 2008

Recordings

Parties: HEATH TEXAS CITY OF

Billable Pages: 9

To PUBLIC

Number of Pages: 9

Comment: ORDINANCE

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	44.00
Total Recording:	44.00

***** DO NOT REMOVE. THIS PAGE IT IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2008-00409624

Receipt Number: 212077

Recorded Date/Time: December 31, 2008 12:25:25P

Book-Vol/Pg: BK-OR VL-5658 PG-216

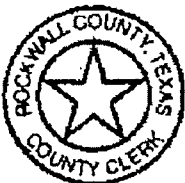
User / Station: V D - Cashier Station 2

Record and Return To:

CITY OF HEATH

200 LAURENCE

HEATH TX 75032



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Volume and
Page of the named records in Rockwall County, Texas

Any provision herein which restricts the sale, rental or use of the described Real Estate because of color or race is invalid and
unenforceable under Federal law

Lisa Constant
Lisa Constant
Rockwall County Clerk

ORDINANCE 081230A - EXHIBIT B

See Map and Spreadsheet

City of Heath

Proposed Annexations

2008-2009

October 2008



Legend

- Petitioned for Annexation
- Non-AG Immediate Annexation
- AG-Subject to 212 Agreement
- Remaining ETJ
- CITY LIMITS
- FM-740 R.O.W.
- RABBIT RIDGE R.O.W.

Work in Progress

Index: 00409624

Filed for Record in Rockwall County
On: Dec 31, 2008 at 12:25P

Immediate Annexation - non AG properties

OWNER/S	OWNER'S MAILING ADDRESS	ABSTRACT SURVEY	TRACT	ACRES	AG exempt
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10	ROBERT & MARY MCCUTCHEON	5414 FM 550, ROCKWALL 75032	A0231	A RODRIGUEZ	62	0.7500	x
12	ROBERT & MARY MCCUTCHEON	5414 FM 550, ROCKWALL 75032	A0231	A RODRIGUEZ	48	0.8600	x
13	ROBERT & MARY MCCUTCHEON	5414 FM 550, ROCKWALL 75032	A0231	A RODRIGUEZ	49-01	42.2200	x
24	RANDALL ERIC GRUBBS	16203 Valley VW, FORNEY 75216	A-53	J CANTOR	29-1	40.0000	x

185.5901

12/30/2008 Annexation - Garbage Customer List

OWNER/S	SERVICE ADDRESS	OWNER'S MAILING ADDRESS	ABSTRA	SURVEY	TRACT
WILLIAM WAY	8441 FM 549 S, HEATH, TX 75032	8441 FM 549 S, ROCKWALL 75032	A0231	A RODRI	67
ROBERT & MARY MCCUTCHEON	5414 FM 550, HEATH, TX 75032	5414 FM 550, ROCKWALL 75032	A0231	A RODRI	47-1
LARRY KING	951 FM 740 S, FORNEY, TX 75126	951 FM 740 S, FORNEY 75126	A0231	A RODRI	38-6
ROBERT & MAUREEN LYON	121 RABBIT RIDGE RD, HEATH, TX 75032	3301 CENTURY DR, STE 4, ROWLETT 75088	A0231	A RODRI	39
HORACE & SUSAN FIELDS	7561 FM 549 S, HEATH, TX 75032	P.O. BOX 998, ROCKWALL, TX 75087	A0231	A RODRI	7
DENNIS & KATHIE BAILEY	1036 RABBIT RIDGE, HEATH, TX 75032	1036 RABBIT RIDGE, ROCKWALL, TX 75032	A0231	A RODRI	12-6
JAMES & TAMMY WALLIS	7373 FM 549 S, HEATH, TX 75032	7373 FM 549 S, ROCKWALL, TX 75032	A0231	A RODRI	12-7
JOHN CURANOVIC	7229 S FM 549, HEATH, TX 75032	7229 S FM 549, ROCKWALL, TX 75032	A0231	A RODRI	12-9
CHARLES & RAMONA TUCKER	1076 RABBIT RIDGE, HEATH, TX 75032	1076 RABBIT RIDGE, ROCKWALL, TX 75032	A0231	A RODRI	13
ODIS LOWE JR	313 LOWE RD, HEATH, TX 75032	P.O. BOX 156, ROCKWALL, TX 75087	A0231	A RODRI	17
KENNETH LOWE	451 LOWE RD, HEATH, TX 75032	P.O. BOX 484, ROCKWALL, TX 75087	A0231	A RODRI	43-5
RANDY BYRD ET UX	1200 RABBIT RIDGE RD, HEATH, TX 75032	1200 RABBIT RIDGE RD, ROCKWALL, TX 75032	A0231	A RODRI	43
VINCENT & SANDRA TAYLOR	596 LOWE RD, HEATH, TX 75032	596 LOWE RD, ROCKWALL, TX 75032	A0231	A RODRI	43-03
LYNN FATE	361 LOWE RD, HEATH, TX 75032	P.O. BOX 156, ROCKWALL, TX 75087	A0231	A RODRI	43-4
JONATHAN & LORI BAILEY	1136 RABBIT RIDGE, HEATH, TX 75032	1136 RABBIT RIDGE, ROCKWALL, TX 75032	A0231	A RODRI	43-7
TED & MONICA LYON	1612 RABBIT RIDGE, HEATH, TX 75032	1612 RABBIT RIDGE, HEATH, TX 75032	A0231	A RODRI	54-3
ROCKY & JANET MCKELVEY	1656 RABBIT RIDGE RD, HEATH, TX 75032	P.O. BOX 1269, ROCKWALL, TX 75087	A0231	A RODRI	54-1
DAVID LANE	1572 RABBIT RIDGE, HEATH, TX 75032	1572 RABBIT RIDGE, ROCKWALL, TX 75032	A0231	A RODRI	54-4

kgd 12/30/2008

ORDINANCE 081230B

**CITY OF HEATH
ORDINANCE NO. 081230B**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 83.83 ACRES OF LAND, SPECIFICALLY:

Tract 48, Tract 49-01 and Tract 62 in the A. Rodriguez Survey Abstract No. 231 and Tract 29-1 in the J. Canter Survey Abstract No. 53 consisting of 83.83 acres.

PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, all legal notices required for annexation have been given in accordance with law and two (2) public hearings have been held on the proposed annexation of the territory set out herein on the 8th day of December and the 9th day of December, 2008; and

WHEREAS, the City Council of the City of Heath has determined that it is advantageous to the City to annex said territory into the City;

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

Section 1. That the recitals herein are hereby found to be true and correct.

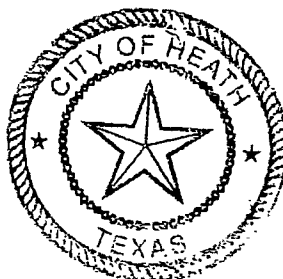
Section 2. The service plan for said territory is hereto attached as **Exhibit A** and incorporated herein for all purposes.

Section 3. That the territory as described herein and all public streets or roadways located with or contiguous to same is hereby annexed to the City of Heath, Texas, to wit: Tract 48, Tract 49-01 and Tract 62 in the A. Rodriguez Survey Abstract No. 231 and Tract 29-1 in the J. Canter Survey Abstract No. 53 consisting of 83.83 acres. Said territory is more reflected in **Exhibit B**, with attachments, attached hereto and incorporated herein for all purposes.

Section 4. That from and after the adoption of this Ordinance, said territory shall be part of the City of Heath, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens of the City of Heath, Texas, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

Section 5. That should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions shall remain in full force and effect.

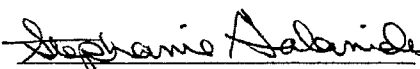
PASSED and APPROVED this 30th day of December, 2008, First Reading and this 6th day of January, 2009, Second Reading.





John Ratcliffe, Mayor

ATTEST:



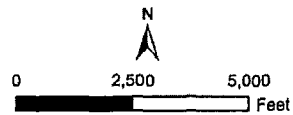
Stephanie Galanides, City Secretary

COPY

Annexation - Petitioned Properties

	OWNER/S	OWNER'S MAILING ADDRESS	ABSTRACT SURVEY	TRACT	ACRES
10	ROBERT & MARY MCCUTCHEON	5414 FM 550, ROCKWALL 75032	A0231 A RODRIGUEZ	62	0.7500
12	ROBERT & MARY MCCUTCHEON	5414 FM 550, ROCKWALL 75032	A0231 A RODRIGUEZ	48	0.8600
13	ROBERT & MARY MCCUTCHEON	5414 FM 550, ROCKWALL 75032	A0231 A RODRIGUEZ	49-01	42.2200
24	RANDALL ERIC GRUBBS	16203 Valley VW, FORNEY 75216	A-53 J CANTOR	29-1	40.0000
					83.8300

City of Heath
Proposed Annexations
2008-2009
October 2008



Legend

- Partitioned for Annexation
- Non-AG Immediate Annexation
- AG-Subject to 212 Agreement
- Remaining ETJ
- CITY LIMITS
- FM-740 R.O.W.
- RABBIT RIDGE R.O.W.

Work in Progress

CC 314

**CITY OF HEATH
ORDINANCE NO. 090526**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 177.406 ACRES OF LAND, SPECIFICALLY: LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, LOT 6 AND COMMON AREA IN HEART STONE ESTATES, TRACT 12-4, TRACT 12-10, TRACT 34-3, TRACT 34-5, TRACT 34-6, TRACT 38-7, TRACT 40, AND TRACT 53-1 IN THE A. RODRIGUEZ SURVEY ABSTRACT NO. 231, AND ROADWAY AND RIGHT OF WAY ON FM 740 FROM THE CURRENT CORPORATE LIMITS ADJACENT TO HEART STONE ESTATES ADJACENT TO THE CITY OF HEATH'S CORPORATE LIMITS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, all legal notices required for annexation have been given in accordance with law and two (2) public hearings have been held on the proposed annexation of the territory set out herein on the 21st day of April and the 5th day of May, 2009; and

WHEREAS, the City Council of the City of Heath has determined that it is advantageous to the City to annex said territory into the City;

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

Section 1. That the recitals herein are hereby found to be true and correct.

Section 2. The service plan for said territory is hereto attached as Exhibit A and incorporated herein for all purposes.

Section 3. That the territory as described herein and all public streets or roadways located with or contiguous to same is hereby annexed to the City of Heath, Texas, to wit: Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and Common Area in Heart Stone Estates, Tract 12-4, Tract 12-10, Tract 34-3, Tract 34-5, Tract 34-6, Tract 38-7, Tract 40, and Tract 53-1 in the A. Rodriguez Survey Abstract No. 231, and Roadway and Right of Way on FM 740 from the current corporate limits adjacent to Heart Stone Estates adjacent to the City of Heath's Corporate Limits, consisting of approximately 177.406 acres of land. Said territory is more reflected in Exhibit B, with attachments, attached hereto and incorporated herein for all purposes.

Section 4. That from and after the adoption of this Ordinance, said territory shall be part of the City of Heath, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens of the City of Heath, Texas, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

Section 5. That should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions shall remain in full force and effect.

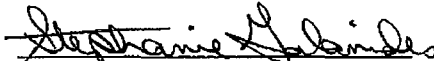
PASSED and **APPROVED** this 26th day of May, 2009.



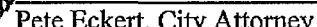
John Ratcliffe, Mayor



ATTEST:


Stephanie Galanides, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney

ORDINANCE 090526 - EXHIBIT B

See Map and Spreadsheet

ANNEXATION SET FOR MAY 26, 2009

OWNER/S	OWNER'S MAILING ADDRESS	ABST	SURVEY	TRACT	ACRES	AG exempt
RYAN AND KRYSTAL MARCOLE LEE	1315 S FM740, FORNEY, TX 75126	HEARTSTONE		LOT 1	4.3680	
JEFFREY S WALLACE	P.O. BOX 2108, ROCKWALL, TX 75087	HEARTSTONE		LOT2	3.6140	
BUCKLEY V CHAPPELL	1581 S FM740, FORNEY, TX 75126	HEARTSTONE		LOT3	4.0840	
DAVID K AND MELANIE MAGEE	1603 FM740, FORNEY, TX 75126	HEARTSTONE		LOT4	4.0700	
THOMAS AND PATRICE RYAN	1669 S FM740, FORNEY, TX 75126	HEARTSTONE		LOT5	5.2220	
PHILIP E WETZEL	913 W HOLIDAY DR., ROCKWALL, TX 75087	HEARTSTONE		LOT6	5.1850	
THOMAS AND PATRICE RYAN	1669 S FM740, FORNEY, TX 75126	HEARTSTONE		HOA	8.5120	
TXDOT	State of Texas	FM 740 Right of Way				
KEVIN & CORBIN MITCHELL	402 ENTERPRISE DRIVE, ROWLETT, TX 75088	A0231	A RODRIGUEZ	34-5	2.2670	x
WAYNE & CINDI OSBORN	2300 N FM 740, HEATH, TX 75032	A0231	A RODRIGUEZ	34-3	1.0000	x
THOMAS & AMANDA BROWN	757 VENUS CT, ROCKWALL 75087	A0231	A RODRIGUEZ	34-6	2.8110	x
GILBERT MICHAEL KING	763 S FM 740, FORNEY 75126	A0231	A RODRIGUEZ	38-7	4.1320	x
DAWN & CHUCK SCROGGS	1748 BISON MEADOWS LN, HEATH, TX 75032	A0231	A RODRIGUEZ	53-1	65.9250	x
ROBERT & MAUREEN LYON	3301 CENTURY DR, STE 4, ROWLETT 75088	A0231	A RODRIGUEZ	40	51.3200	x
JAMES BEST	7235 S FM 549, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	12-4	13.3900	x
JAMES BEST	7235 S FM 549, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	12-10	1.5060	x
					177.4060	



CITY of HEATH
PROPOSED ANNEXATION
APRIL 30, 2009

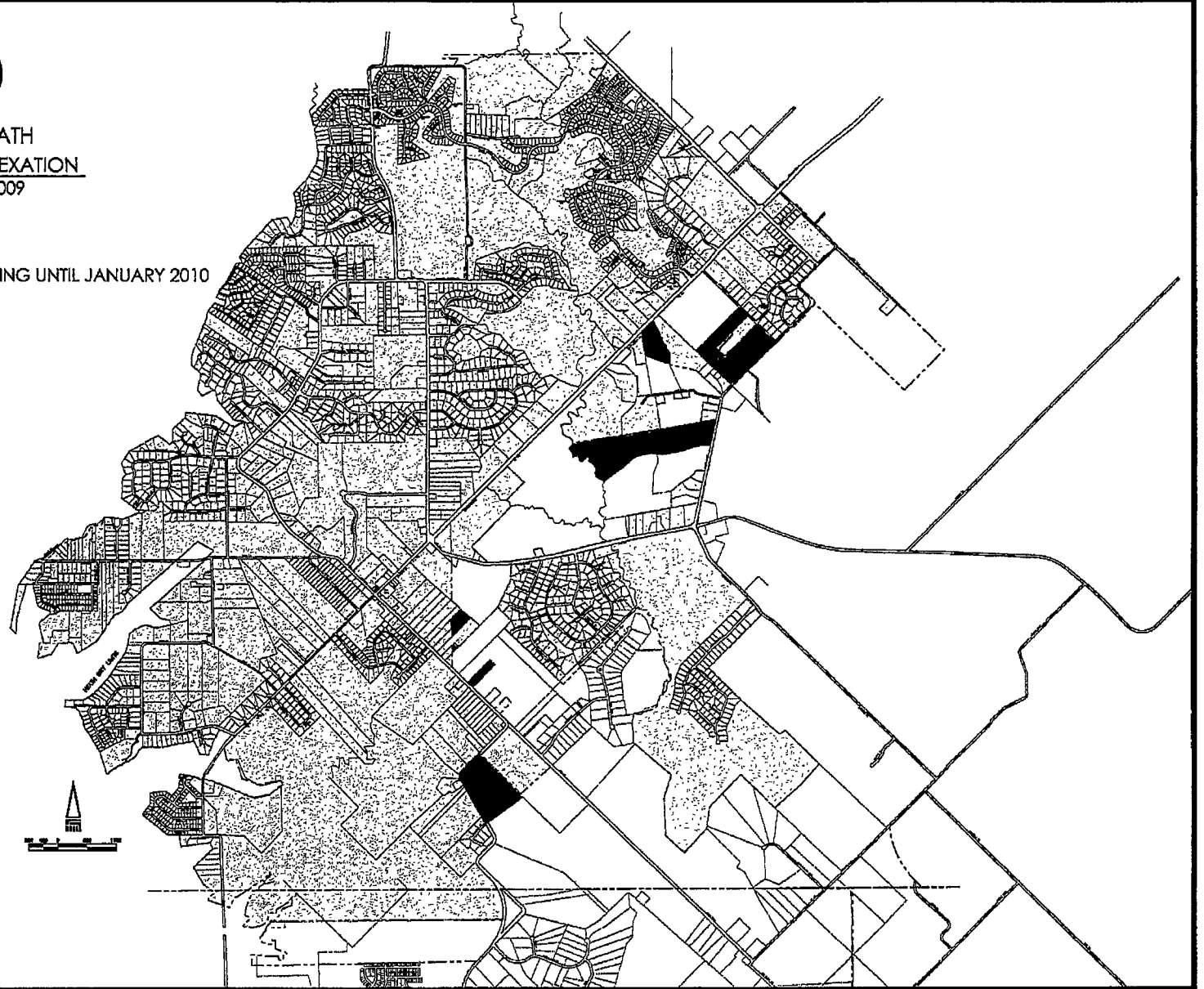


CURRENT CITY LIMITS

NO ANNEXATION PENDING UNTIL JANUARY 2010



ANNEXATION PENDING



ORDINANCE 100430

**CITY OF HEATH
ORDINANCE NO. 100430**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 835.25 ACRES COMPRISED OF: R.A. LEWIS ADDITION TRACTS 1 AND 2; PARCELS SUBJECT TO DEVELOPMENT AGREEMENTS INCLUDING TRACTS 2, 2-1, 12, 12-01, 12-5, 12-11, 18, 33-1, 38, 38-1, 42, 43-1, 43-02, 43-6, 44-1, 47, 53, 53-2, 66 AND 67-01 OF THE A RODRIGUEZ SURVEY ABSTRACT 231; TRACT 2 OF THE J SIMMONS SURVEY, ABSTRACT 202 AND TRACT 29 OF THE J CANTOR SURVEY, ABSTRACT 53 IN ROCKWALL COUNTY, TEXAS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF HEATH, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, all legal notices required for annexation have been given in accordance with law and two (2) public hearings have been held on the proposed annexation of the territory set out herein on the 23rd day of March, 2010 and the 6th day of April, 2010; and

WHEREAS, the City Council of the City of Heath has determined that it is advantageous to the City to annex said territory into the City;

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

Section 1. That the recitals herein are hereby found to be true and correct.

Section 2. The service plan for said territory is hereto attached as Exhibit A and incorporated herein for all purposes.

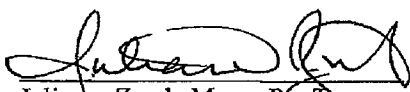
Section 3. That the territory as described herein and all public streets or roadways located with or contiguous to same is hereby annexed to the City of Heath, Texas, to wit: 835.25 acres consisting of: R.A. Lewis Addition Tracts 1 and 2; parcels subject to Development Agreements including Tracts 2, 2-1, 12, 12-01, 12-5, 12-11, 18, 33-1, 38, 38-1, 42, 43-1, 43-02, 43-6, 44-1, 47, 53, 53-2, 66 and 67-01 of the A Rodriguez Survey Abstract 231; Tract 2 of the J Simmons Survey, Abstract 202 and Tract 29 of the J Cantor Survey, Abstract 53 in Rockwall County, Texas located within the extraterritorial jurisdiction and adjacent to the corporate limits of the City of Heath, Texas. Said territory is more reflected in Exhibit B, with attachments, attached hereto and incorporated herein for all purposes.

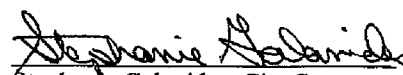
Section 4. That from and after the adoption of this Ordinance, said territory shall be part of the City of Heath, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens of the City of Heath, Texas, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

Section 5. That should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions shall remain in full force and effect.

PASSED and APPROVED this 28th day of April, 2010.

ATTEST:


Julianne Zurek, Mayor Pro Tem


Stephanie Galanides, City Secretary

ORDINANCE 100428 - EXHIBIT B

See Map and Spreadsheet

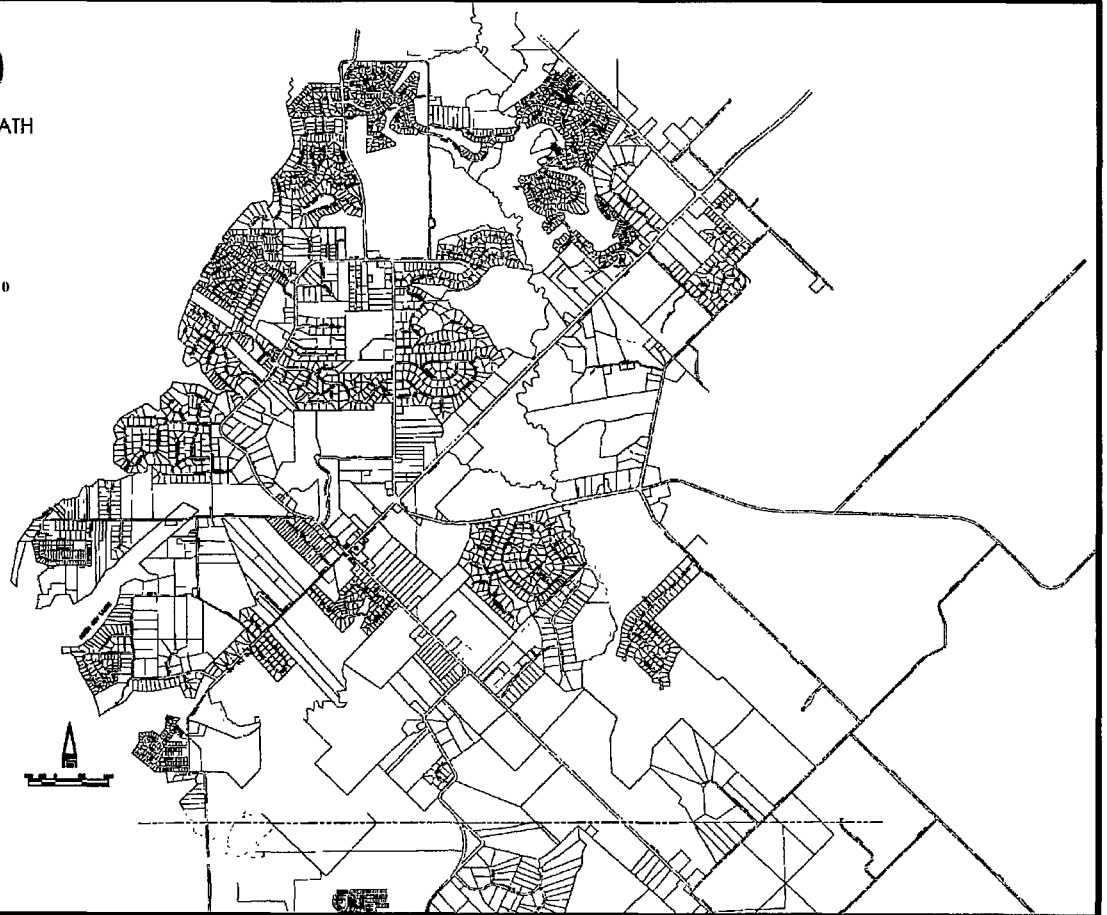
EXHIBIT B - PROPERTY LIST

	owner	address	abstract	survey / subdivision	tract	acres
	RICHARD & CYNTHIA BECKER	1392 RABBIT RIDGE RD, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	53	52.68
	RICHARD & CYNTHIA BECKER	1392 RABBIT RIDGE RD, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	53-2	25.63
	BYRD LIMITED PARTNERSHIP	1200 RABBIT RIDGE RD, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	43-6	1.98
	SHERIL & KIM CRUMPTON	1088 RABBIT RIDGE, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	12-01	4.57
	ROBERT & RHONDA EICHER	IASA GROUP, 161 PULLEN RD, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	12	14.04
	EVELYN HODGES	1511 PULLEN RD, ROCKWALL, TX 75032	A-202	J SIMMONS	2	214.63
	Estate of GILBERT KING	833 FM 740 S, FORNEY 75216	A0231	A RODRIGUEZ	2	1.35
	Estate of GILBERT KING	833 FM 740 S, FORNEY 75216	A0231	A RODRIGUEZ	2-1	23.11
	Estate of GILBERT KING	833 FM 740 S, FORNEY 75216	A0231	A RODRIGUEZ	33-1	51.00
	Estate of GILBERT KING	833 FM 740 S, FORNEY 75216	A0231	A RODRIGUEZ	38-1	67.70
	Estate of GILBERT KING	833 FM 740 S, FORNEY 75216	A0231	A RODRIGUEZ	44-1	13.61
	Estate of GILBERT KING	833 FM 740 S, FORNEY 75216	A0231	A RODRIGUEZ	38	2.00
	ROBERT & JENNIFER LAMBERTH	1839 FM 740 S, FORNEY 75126	A-53	J CANTOR	29	38.24
	ALLIE MEAGHER LEE	12 WOODHILL RD, BIRMINGHAM, ALABAMA 35213	A0231	A RODRIGUEZ	42	55.89
	ODIS LOWE JR	P.O. BOX 156, ROCKWALL, TX 75087	A0231	A RODRIGUEZ	43-1	17.51
	ROBERT & MARY MCCUTCHEON	5414 FM 550, ROCKWALL 75032	A0231	A RODRIGUEZ	47	73.58
	KIM AND PATSY PEDERSEN	2904 GOLDEN MEADOW, MESQUITE, TX 75181	A0231	A RODRIGUEZ	12-11	8.00
	VINCENT & SANDRA TAYLOR	596 LOWE RD, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	43-02	16.00
	JAMES & TAMMY WALLIS	7373 FM 549 S, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	12-5	10.06
	CHARLES WEAKLEY	4922 FM 550 W, ROCKWALL, TX 75032	A0231	A RODRIGUEZ	18	9.00
	EUNICE WAY	8441 FM 549 S, ROCKWALL 75032	A0231	A RODRIGUEZ	66	124.18
	WILLIAM WAY	8441 FM 549 S, ROCKWALL 75032	A0231	A RODRIGUEZ	67-01	8.32
	RYAN LEWIS	519 IH 30, PMB 217, ROCKWALL, TX 75087		RA LEWIS ADDITION	1	1.50
	RYAN LEWIS	519 IH 30, PMB 217, ROCKWALL, TX 75087		RA LEWIS ADDITION	2	0.68
						835.25



CURRENT CITY LIMITS

Proposed Annexation April 2010



ORDINANCE 11108

**CITY OF HEATH
ORDINANCE NO. 111108**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF HEATH, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 196.52 ACRES OF PROPERTY COMPRISED OF THE RIDGE ADDITION, TRACTS 38-02, 38-04 AND 38-8 OF THE A. RODRIGUEZ SURVEY A-231, A PORTION OF KING ROAD AND RIGHT-OF-WAY FOR KING ROAD ADJACENT TO THE ABOVE-REFERENCED PROPERTIES IN ROCKWALL COUNTY, TEXAS AND A PORTION OF STATE OF TEXAS RIGHT-OF-WAY ALONG FM 740 ADJACENT TO THE TRAVIS RANCH ADDITION IN ROCKWALL COUNTY AND KAUFMAN COUNTY, TEXAS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF HEATH, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, all legal notices required for annexation have been given in accordance with law and two (2) public hearings have been held on the proposed annexation of the territory set out herein on the 4th day of October, 201 and the 18th day of October, 2011; and

WHEREAS, the City Council of the City of Heath has determined that it is advantageous to the City to annex said territory into the City;

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

Section 1. That the recitals herein are hereby found to be true and correct.

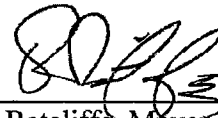
Section 2. The service plan for said territory is hereto attached as Exhibit A and incorporated herein for all purposes.

Section 3. That the territory as described herein and all public streets or roadways located with or contiguous to same is hereby annexed to the City of Heath, Texas, to wit: approximately 196.52 acres of property comprised of The Ridge Addition, Tracts 38-02, 38-04 and 38-8 of the A. Rodriguez Survey A-231, a portion of King Road and Right-of-Way for King Road adjacent to the above-referenced properties in Rockwall County, Texas and a portion of State of Texas Right-of-Way along FM 740 adjacent to the Travis Ranch Addition in Rockwall County and Kaufman County, Texas located within the extraterritorial jurisdiction and adjacent to the corporate limits of the City of Heath, Texas. Said territory is more reflected in Exhibit B, with attachments, attached hereto and incorporated herein for all purposes.

Section 4. That from and after the adoption of this Ordinance, said territory shall be part of the City of Heath, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens of the City of Heath, Texas, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

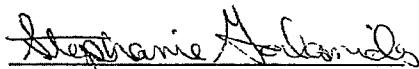
Section 5. That should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions shall remain in full force and effect.

PASSED and **APPROVED** this 8th day of November, 2011.

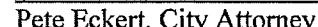


John Ratcliffe, Mayor

ATTEST:


Stephanie Galanides, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney

ORDINANCE 111108
EXHIBIT B
SPREADSHEET and MAP

Property Owners Spreadsheet
September 2011

Owner	Prop Address	Subdivision	Legal
Allan, Michael	391 Ridgemont	The Ridge	Lot 44
Arlauskas, Robert & Milda	258 Ridge Point Dr	The Ridge	Lt 12
Arrington, William & Sherri	359 Ridgemont	The Ridge	Lot 45
Bailey, Richard & Gena	124 Ridge Point Circle	The Ridge	Lot 42
Barrett, Mildred	232 Ridge Point Circle	The Ridge	Lot 40
Bauer, James	286 Ridge Point Dr	The Ridge	Lot 13
Bennett, Barry & Michelle	233 Ridge Point Dr	The Ridge	Lot 30
Bowerman, Douglas & Terri	281 Ridge Point Dr	The Ridge	Lot 29
Brannon, Sean & Vergie	230 Ridge Point Dr	The Ridge	Lot 11
Brown, Douglas & Amy	159 Ridge Point Circle	The Ridge	Lot 35
Brunk, Darcy & Tracy	366 Ridgemont Dr	The Ridge	Lot 5
Burton, Thomas & Shannon	418 Ridgemont Dr	The Ridge	Lot 6
Carnes, Phillip & Pat	177 Ridge Point Circle	The Ridge	Lot 36
Dvorak, Thomas & Rebecca	304 Ridge Point Dr	The Ridge	Lot 14
Eade, David & Carole	539 Ridge Point Dr	The Ridge	Lot 21
Garrison, Charles & Heather	412 Ridge Point Dr	The Ridge	Lot 17
Gray, Greg & Sarah	250 Ridge Point Circle	The Ridge	Lot 38
Gray, Thomas	Ridge Point Circle	The Ridge	Lot 37
Harris, William J Jr.	474 Ridgemont Dr	The Ridge	Lot 7
Hartnett, Peter & Penny	166 Ridge Point Dr	The Ridge	Lot 9
Himmelheber, Christopher	174 Ridge Point Dr	The Ridge	Lot 41
Huntley Trust	197 Ridge Point Dr	The Ridge	Lot 31
Jackson, Ron & Marlene	133 Ridge Point Dr	The Ridge	Lot 33
Kilpatrick, Hamilton W III & Charlotte Rev Trust	267 Ridgemont	The Ridge	Lot 48
Kubik, Michael & Darla	128 Ridge Point Dr	The Ridge	Lot 8
Larman, Vernnen & Karen	200 Ridge Point Dr	The Ridge	Lot 10
Livingston, Cheryl & James	446 Ridge Point Dr	The Ridge	Lot 18
Max, Perry & Nancy	161 Ridgemont	The Ridge	Lot 51
Maxwell, Sheri & Jason Aylott	405 Ridge Point Dr	The Ridge	Lot 26
McCann, Emily & Scott	523 Ridge Point Dr	The Ridge	Lot 22
McCarty, Darren	123 Ridge Point Dr	The Ridge	Lot 52
McClung, Carl & Maresa	267 Ridge Point Circle	The Ridge	Lot 39
Migneault, Bill & Beth	188 Ridgemont	The Ridge	Lot 2
Murphy, Joseph	373 Ridge Point Dr	The Ridge	Lot 27

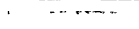


CITY of HEATH
NEW CITY LIMITS
ORDINANCE xxxxxx
November 1, 2011

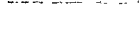
CITY LIMITS



IMMEDIATE ANNEXATION



AGREEMENT/DEFERRED ANNEXATION



ETJ

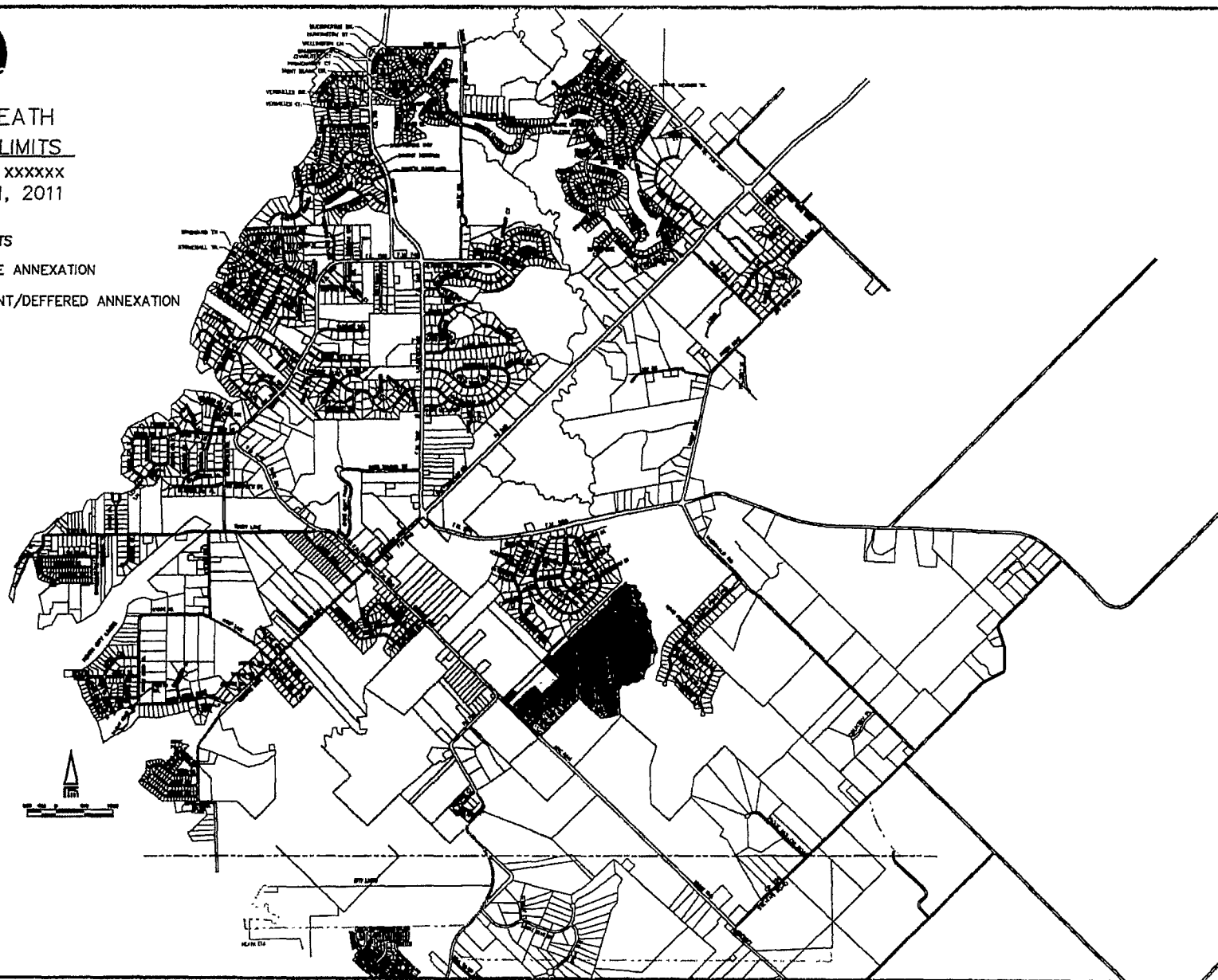


Exhibit 3

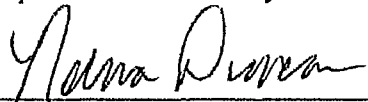
AGENDA
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TX 75032
REGULAR MEETING – PUBLIC HEARING – EXECUTIVE SESSION
TUESDAY, OCTOBER 24, 2017 - 6:30 P.M.

1. Call to Order, Proclaim Honorary Mayor for the Day, Invocation and Pledge of Allegiance
2. Proclamations:
 - a) Honorary Mayor for the Day Zachery Daiker
3. Discussion and Action to Appointment of Planning and Zoning Commission member.
4. DEPARTMENT and REPORTS - See Addendum. *(Items posted on the addendum are for informational purposes. The addendum is a comprehensive list of issues and reports that are of interest to the City Council and may or may not be discussed as determined by Staff and Council.)*
 - a) Monthly Update regarding Capital Improvement Program (CIP) projects *(C.Todd)*
 - b) Update regarding Park Board and HMBC-HEDC Board. *(Council Liaison)*
5. Discussion and Action Regarding the Minutes of October 10, 2017 (Regular Meeting).
6. Discussion and action to approve execution of Texas Water Code §13.255(a) Single Certification and Service Area Transfer Agreement between the City of Heath and Forney Lake Water Supply Corporation and authorization for signing of same. *(R.Dormier)*
7. Discussion and Action Regarding an Ordinance to establish an ad valorem tax exemption for persons 65 years of age or older or disabled persons as allowed by the Texas Tax Code; and providing an effective date. *(J. Chamberlain)*
 - a) Presentation of request.
 - b) **PUBLIC HEARING** to receive comments regarding the request.
 - c) Discussion and action regarding the request.
8. Discussion and Action Regarding an Ordinance amending Chapter 159, Zoning, of the Code of Ordinances by authorizing a zoning change from (PD) Planned Development District and (A) Agricultural District to (PD) Planned Development District for Local Retail Use on a 28.62 acre tract of land being described as all of a 13.30 acre tract of land described in Special Warranty Deed with Vendor's lien to Heath Crossing, LTD. recorded in Instrument No. 20170000001806 of the Official Public Records, Rockwall County, Texas, and being part of that 13.65 acre tract of land described in Special Warranty Deed with Vendor's lien to Heath Crossing, LTD. recorded in Instrument No. 201600000017663 of said Official Public Records, and being all of that 1.06 acres tract of land described in Special Warranty Deed to Heath Crossing, LTD. recorded in Instrument No. 20160000000929 of said Official Public Records, and being part of that 0.62 acre tract of land described in Special Warranty Deed to Heath Crossing, LTD. recorded in Instrument No. 20160000001074 of said Official Public Records of Rockwall County, Texas, being a tract of land situated in the E. Teal Survey, Abstract No. 207, City of Heath, Rockwall County Texas, located at the northwest corner of FM 740 (Ridge Road) and FM 549. Applicant: Heath Crossing Limited (Case No. ZA-2017-03) *(R.LaCroix)*

9. Discussion and Action Regarding Award of the Construction Contract for the City of Heath Annual Street Repair 2017-2018 Phase 1 Project and Regarding a Resolution Authorizing the Mayor to Execute a Construction Contract for the City of Heath Annual Street Repair 2017-2018 Phase 1 Project. *(C.Todd)*
10. Discussion and Action regarding a Resolution adopting a process for providing council participation in preparing a city council agenda. *(City Attorney)*
11. Open Forum – Citizens' Comments.
12. **EXECUTIVE SESSION**
In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will recess into Executive Session (closed meeting) to discuss the following:
 - a) §551.074: Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee: Planning & Zoning Commission appointments
13. **RECONVENE INTO OPEN SESSION** - In accordance with Texas Government Code, Chapter 551, and the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.
14. Adjourn.

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Agenda posted this the 20th day of October, 2017 at 5:00 p.m.



Norma Duncan, City Secretary

**MINUTES
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TX 75032
REGULAR MEETING – PUBLIC HEARING – EXECUTIVE SESSION
TUESDAY, OCTOBER 24, 2017 - 6:30 P.M.**

ATTENDING: BRIAN BERRY, MAYOR
KELSON ELAM, MAYOR PRO TEM
JOE CHAMBERLAIN
RICH KRAUSE
FRANK NEW
PAUL RUFFO
BRENT WEAVER

Mayor Brian Berry introduced Mayor for the Day Zackery Daiker who called the meeting to order at 6:31 p.m. and led the Pledge of Allegiance. Mayor Berry delivered the invocation.

2. Proclamations:

- a) Mayor Berry read loud a proclamation declaring Honorary Mayor for the Day Zachery Daiker for the City of Heath on October 24, 2017.

3. Discussion and Action to Appointment of Planning and Zoning Commission member.

Council reviewed fourteen “Applications for Appointments” from Heath residents that were interested in the open position for the Planning and Zoning Commission. The applicants were previously interviewed at the June 27, 2017 City Council Meeting. Mayor Berry stated that the discussion of selecting the appointment of the applicants would be put on hold for the time being and discussion would continue during the closed session at the end of the meeting. Council will take action following the Executive Session.

4. DEPARTMENT and REPORTS - See Addendum. *(Items posted on the addendum are for informational purposes. The addendum is a comprehensive list of issues and reports that are of interest to the City Council and may or may not be discussed as determined by Staff and Council.)*

a) Monthly Update regarding Capital Improvement Program (CIP) projects.

CIP Project Manager, Chuck Todd, provided an update and answered questions regarding the status of the Capital Improvement Program projects.

b) Update regarding Park Board, HMBC-HEDC Board, Rockwall County Planning Consortium, and Emergency Services Corporation.

Council liaison Elam provided an update on the HMBC/HEDC Board and Council liaison Krause provided an update on the Park Board.

5. Discussion and action regarding the Minutes of October 10, 2017.

MOTION: APPROVE MINUTES OF OCTOBER 10, 2017 WITH CHANGES.

MOTION MADE: CHAMERLAIN
SECONDED: WEAVER
APPROVED: PASSED UNANIMOUSLY

6. Discussion and action to approve execution of Texas Water Code §13.255(a) Single Certification and Service Area Transfer Agreement between the City of Heath and Forney Lake Water Supply Corporation and authorization for signing of same.

City Engineer, Richard Dormier stated that on November 23, 2016, the City of Heath provided a draft agreement to Forney Lake Water Supply Corp regarding Forney Lake's CNN, customers (839), facilities, and easements within the city limits of Heath. Since that time, issues related to take or pay minimums, property to be transferred, and easements to be transferred have been identified and addressed satisfactorily. The process to purchase Forney Lake Water Supply Corp originally started approximately five to six years ago. The city will file the agreement with the Public Utility Commission of Texas (PUC) and request that the PUC issue its written approval that the terms of this agreement will be incorporated in the respective Certificate of Convenience and Necessity (CNN) followed by the closing of the property. City Manager, Ed Thatcher thanked council member Joe Chamberlain for his involvement and work in pushing through this long overdue process.

MOTION: APPROVE RESOLUTION NO. 171024B EXECUTING TEXAS WATER CODE §13.255(a) SINGLE CERTIFICATION AND SERVICE AREA TRANSFER AGREEMENT.

MOTION MADE: ELAM
SECONDED: NEW

Council member Krause stated that there are 84,000 feet of water line that will not support a fire hydrant but funds were added for the advancement of this procurement which will help relieve concern. Council member Chamberlain thanked staff for their patience and also thanked City Engineer, Richard Dormier for his hard work on this process.

APPROVED: PASSED UNANIMOUSLY

7. Discussion and Action Regarding an Ordinance to establish an ad valorem tax exemption for persons 65 years of age or older or disabled persons as allowed by the Texas Tax Code; and providing an effective date.

Council member Joe Chamberlain clarified that this item is for freezing the taxes for the disabled or citizens 65 years of age or older at their present rate on January 2018 and stated that presently less than 25% of heath citizen's qualify for this exemption.

PUBLIC HEARING to receive comments regarding the request.

Mayor Berry opened the public hearing at 6:57 p.m. and the following spoke regarding the request:

- Donna Rolater, 709 Avalon – spoke in opposition and stated that it is totally irresponsible to pass the tax freeze because it is irreversible. The tax freeze would hurt the city/budget/police and fire. Another solution would be to raise the homestead exemption.
- Brooks Nolan, 505 Loma Vista – speak neither in support or opposition and asked the council that whatever the decision, please be articulate and call it what it is.
- John Regan, 8 Raven Circle – spoke in support and stated that seniors are on a fixed income we could actually price the seniors out of the market without relief.
- Connie Nelson, 1407 Laurence Drive – spoke in support and stated that circumstances happen to seniors and they do not have ability to increase their income. We should take care of the seniors.
- Tiki Sherman, 702 Laurence Drive – stated that she has not made up her mind because she has concerns on the budgetary needs and not being able to fund the police officer position.
- June Boyd, 852 FM 740 – stated that she does not know what the answer is but that seniors will appreciate any tax relief given to them because they are a valuable asset to the city.
- Terry Turner, Meadowlake Drive – spoke in support and cannot see any reason not to give seniors a tax break.
- Gus Antos, 1032 Woodbridge – spoke in support stated it's our civil duty to take care of the seniors.

There being no one else to speak regarding the request, Mayor Berry closed the public hearing at 7:10 p.m.

Discussion and action regarding the request.

Director of Finance. Laurie Mays presented a power point presentation providing estimated numbers and impacts of the freeze and stated that the tax freeze is for Heath residents who disabled or 65 years of age or older and that once the ad valorem tax freeze is implemented it cannot be rescinded. Taxes that are calculated on the property are based on the assessed value of that year and the tax rate set by council of that year and that is the amount that is frozen. Presently there is a Homestead Exemption and the city allows a \$30,000 decrease in valuation. The recommendation is to remove the exemption and adopt the freeze. Council member Elam stated that although he does see the need to help seniors, his problem with the freeze was we are trying to do an equation and we don't know all the variables. Elam recommended using the exemptions because adopting the freeze will put a burden on the young people living in this community. Council member New stated that he supports looking at increasing the exemption and believes this help out the citizens that need it the most. Council member Weaver stated that we all want to help the seniors but not at the detriment of the city and stated that he could not support the freeze until had all the missing details and accurate full assessment of what the true financial impact would be. He also recommends exploring the exemption. Council member Krause stated that this decision should be put out to the residents at an election. Council member Chamberlain stated that the problem he sees with the exemption is that it is in the hands of current council members and can change year to year.

MOTION: APPROVE AN ORDINANCE TO ESTABLISH AN AD VALOREM TAX EXEMPTION FOR PERSONS 65 YEARS OF AGE OR OLDER OR DISABLED PERSONS WITHOUT THE \$30,000 HOMESTEAD EXEMPTION.

MOTION MADE: CHAMBERLAIN
SECONDED: BERRY
MOTION FAILED: TWO TO FIVE
FOR: BERRY; CHAMBERLAIN
AGAINST: ELAM; KRAUSE; NEW; RUFFO; WEAVER

8. Discussion and Action Regarding an Ordinance amending Chapter 159, Zoning, of the Code of Ordinances by authorizing a zoning change from (PD) Planned Development District and (A) Agricultural District to (PD) Planned Development District for Local Retail Use on a 28.62 acre tract of land being described as all of a 13.30 acre tract of land described in Special Warranty Deed with Vendor's lien to Heath Crossing, LTD. recorded in Instrument No. 20170000001806 of the Official Public Records, Rockwall County, Texas, and being part of that 13.65 acre tract of land described in Special Warranty Deed with Vendor's lien to Heath Crossing, LTD. recorded in Instrument No. 201600000017663 of said Official Public Records, and being all of that 1.06 acres tract of land described in Special Warranty Deed to Heath Crossing, LTD. recorded in Instrument No. 20160000000929 of said Official Public Records, and being part of that 0.62 acre tract of land described in Special Warranty Deed to Heath Crossing, LTD. recorded in Instrument No. 20160000001074 of said Official Public Records of Rockwall County, Texas, being a tract of land situated in the E. Teal Survey, Abstract No. 207, City of Heath, Rockwall County Texas, located at the northwest corner of FM 740 (Ridge Road) and FM 549. Applicant: Heath Crossing Limited (Case No. ZA-2017-03)

Director of Community Development Robert LaCroix stated that at the October 3, 2017 Planning and Zoning Commission meeting, the Commission approved the zoning request by a unanimous vote with a condition that a ten-thousand square foot open space with a future amenity to be determined at site plan approval and to be added to the 3.1 acre pad site as indicated on the approved Concept Plan. At the October 10, 2017 City Council Meeting, Council held a public hearing and tabled the request to a later work session. Mayor Berry stated that the October 24, 2017 Work Session was very productive and a lot of head way was made. Applicant, Steve Gregory, Vice President, Malouf Interests, Inc. was present and introduced his Design and Development Team: Good Fulton & Farrell Architects – Jonathan Krill; Kimley Horn Engineers – Joe Facaro; Winstead Attorneys - Tommy Mann and Brad Williams; Director of Real Estate of North Texas for Tom Thumb Safeway - David Harden. Gregory presented a summary of the items addressed at the Work Session and the changes to the Planning and Zoning Commission

Recommendations. City Attorney. Andy Messer was not comfortable approving the changes and asked for more time to review the items proposed. At 8:46 p.m. Messer and the Developer stepped out of the meeting to discuss and clarify some concerns. At 9:17 p.m. Messer returned to the meeting, distributed the revised proposed changes and stated that he and LaCroix fully approved revised changes. If the changes are approved, the red line version will be added to the zoning ordinance in the development standards. Council Member Weaver stated that a lot progress was made but he was still missing a central green space gathering area and Council Member New stated that he was not comfortable approving the request because and stated that the Gas Station should be approved with a Conditional Use Permit and not "by right".

MOTION: APPROVE ORDINANCE 171024A AUTHORIZING A ZONING CHANGE FROM (PD) PLANNED DEVELOPMENT DISTRICT AND (A) AGRICULTURAL DISTRICT TO (PD) PLANNED DEVELOPMENT DISTRICT FOR LOCAL RETAIL LOCATED AT THE NORTHWEST CORNER OF FM 740 (RIDGE ROAD) AND FM 549 WITH CHANGES.

MOTION MADE: ELAM

SECONDED: CHAMBERLAIN

Council Member New stated that he continues to have an issue with giving something "by right" because the right belongs to the citizens; Council member Weaver stated that his concern is still with the missing open space gathering area.

APPROVED: FIVE TO TWO

FOR: BERRY; CHAMBERLAIN; ELAM; KRAUSE; RUFFO

AGAINST: NEW; WEAVER

9. Discussion and Action Regarding Award of the Construction Contract for the City of Heath Annual Street Repair 2017-2018 Phase 1 Project and Regarding a Resolution Authorizing the Mayor to Execute a Construction Contract for the City of Heath Annual Street Repair 2017-2018 Phase 1 Project.

Capital Improvements Project Manager, Chuck Todd stated that this is for our budgeted street maintenance program Phase 1 and the project is for the repair of pavement at various locations around the city. This is the second phase of an annual maintenance program and the work will be performed during the 2017-2018 fiscal year. The City received three bids and GROD Construction was the lowest bid at \$97,500.

MOTION: AWARD CONSTRUCTION CONTRACT FOR ANNUAL STREET REPAIR 2017-2018 PHASE 1 PROJECT AND APPROVE RESOLUTION NO. 171024A AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT.

MOTION MADE: KRAUSE

SECONDED: NEW

APPROVED: PASSED UNANIMOUSLY

11. Open Forum – citizens' comments.

Mayor Brian Berry explained how the Open Forum is conducted and invited those who wished to speak to come forward.

- Chuck Dale, 804 Smirl Drive – stated that he was a long time resident of Heath and expressed his discouragement with Council when voting on items.

(Meeting recesses at 8:51 p.m. and resumed to regular meeting at 9:13 p.m.)

10. Discussion and Action regarding a Resolution adopting a process for providing council participation in preparing a city council agenda.

City Attorney, Andy Messer stated that this resolution is to adopt the following procedures in preparing city council agendas: Any city council member may submit an item for discussion action on a city council agenda which shall be placed on the city council agenda within two city council meetings; The agenda item may not be removed from the council agenda without the requesting city council member's consent; and, a city council agenda item must be submitted via email to the mayor, city manager and city secretary.

MOTION: APPROVE RESOLUTION NO. 171024C ADOPTING A PROCESS FOR PROVIDING COUNCIL PARTICIPATION IN PREPARING A CITY COUNCIL AGENDA.

MOTION MADE: ELAM
SECONDED: CHAMBERLAIN
APPROVED: PASSED UNANIMOUSLY

12. EXECUTIVE SESSION

At 9:25 p.m., Mayor, Brian Berry recessed the meeting to go into Executive Session (closed meeting) in accordance with Texas Government Code Chapter 551, Subchapter D, the City Council will recess into Executive Session (closed meeting) to discuss the following: §551.074: Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee: Planning & Zoning Commission appointments

At 9:36 p.m., Mayor Brian Berry closed Executive Session and reconvened the meeting into open session stating no action was taken in the Executive Session and further action is required on the appointment of the Planning & Zoning Commission member.

3. Discussion and Action to Appointment of Planning and Zoning Commission member.

MOTION: APPOINT DARREN KAMEYER TO THE PLANNING AND ZONING COMMISSION.

MOTION MADE: KRAUSE
SECONDED: ELAM
APPROVED: PASSED FIVE TO TWO
FOR: BERRY; ELAM; KRAUSE; RUFFO; WEAVER
AGAINST: CHAMBERLAIN; NEW

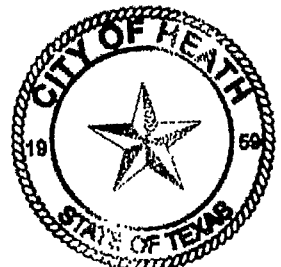
Mayor Berry adjourned the meeting at 9:38 p.m.

APPROVED:

BRIAN BERRY
MAYOR

ATTEST:

NORMA DUNCAN
CITY SECRETARY



FORNEY LAKE WATER SUPPLY CORPORATION

PO Box 2034, 5763 SH 205 South, Rockwall, Texas 75032 (972) 722-3203

www.forneylakewater.com

NOTICE OF MEETING

Notice is hereby given that the Forney Lake Water Supply Corporation will meet on August 1, 2017 at 7:00 PM at 5763 SH 205 South, Rockwall, Texas 75032.

- I. Call to Order*
- II. Reading of Minutes*
- III. New Business*
 - City of Heath Contract*
 - NTMWD Contract*
- IV. Financial Report*
- V. Maintenance Updates*
- VI. Adjourn*

Agenda posted this the 25th day of July 2017.



Charles Green, President

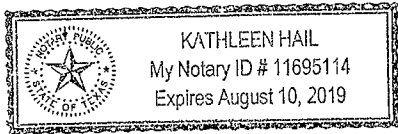
Forney Lake Water Supply Corporation will provide reasonable accommodations for persons attending meetings. Please contact the Forney Lake WSC office at (972) 772-0120 no later than 48 hours prior to a meeting if you require special assistance.

(ALL-PURPOSE ACKNOWLEDGMENT)

STATE OF TEXAS

COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, on this 25 day of July, 2017 personally appeared Charles Green,
president, known to me, or proved to me through
driver's license, to be the person(s) whose name(s) are subscribed to the
foregoing instrument, and acknowledged to me that same was executed
for the purposes and consideration therein expressed.





Notary Public, State of Texas

FORNEY LAKE WATER SUPPLY CORPORATION

PO Box 2034, 5763 SH 205 South, Rockwall, Texas 75032 (972) 722-3203

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MINUTES

The Forney Lake WSC met for its regular meeting on August 1, 2017. The minutes were read with a motion by Stephen Davis, seconded by Charles Tunnell to accept the minutes as read. Motion passed.

The financial report was reviewed with a motion by Charles Tunnell, seconded by Stephen Davis. Motion passed.

Total sales for the month were \$185,129.64 with 24,347,000 gallons of water sold. The financial report was reviewed with a motion by Stephen Davis, seconded by Charles Tunnell. Motion passed.

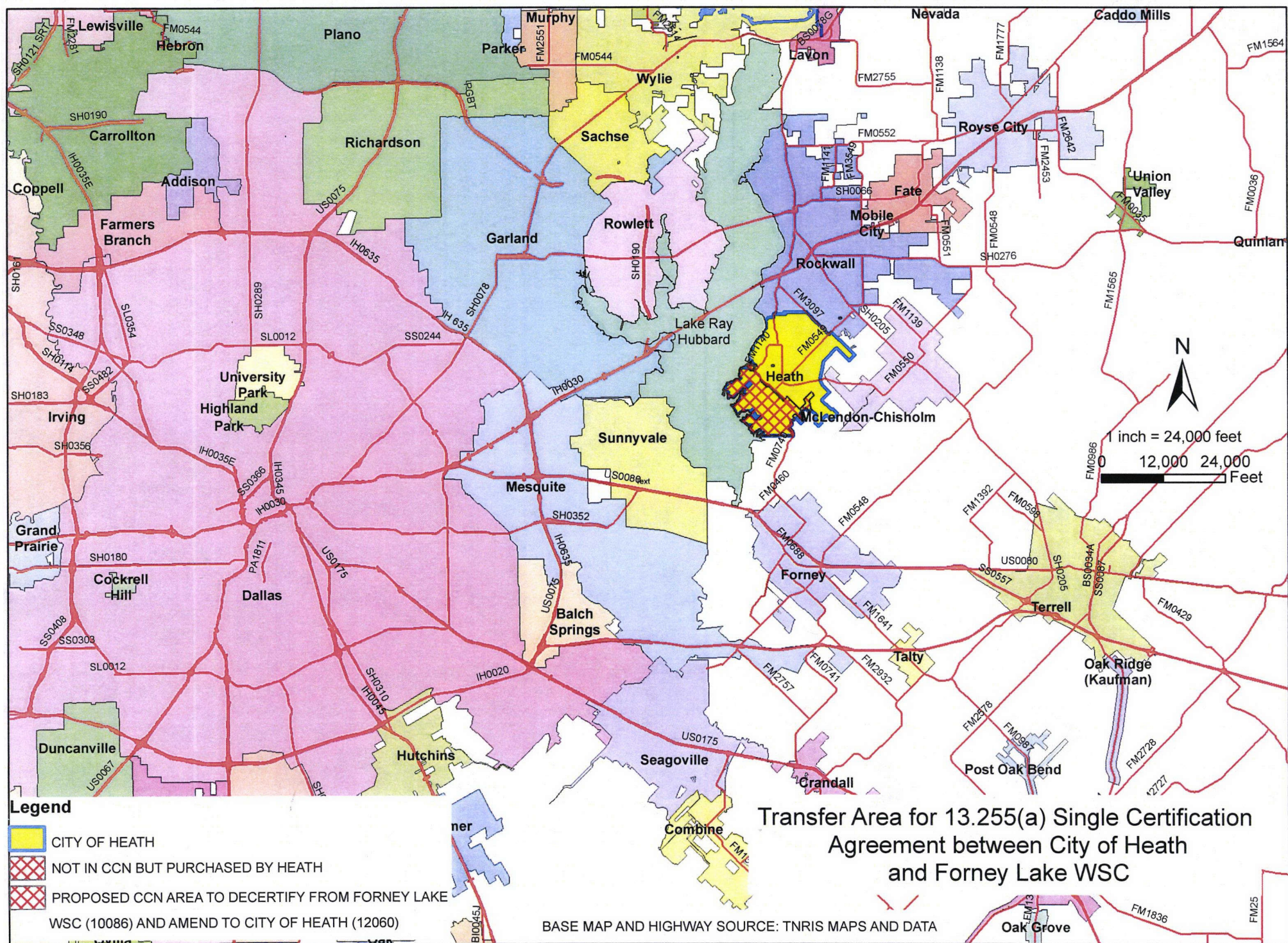
John Crow discussed maintenance issues.

The City of Heath contract and NTMWD contract were both signed.

Charles Tunnell made a motion for FLWSC to conduct a lightning survey regarding ways to minimize the lightning strikes at the pump stations. Seconded by Stephen Davis. Motion passed.

A motion was made to adjourn the meeting by Stephen Davis, seconded by Charles Tunnell. Motion passed.

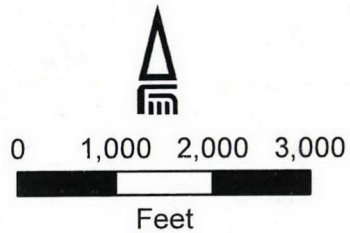
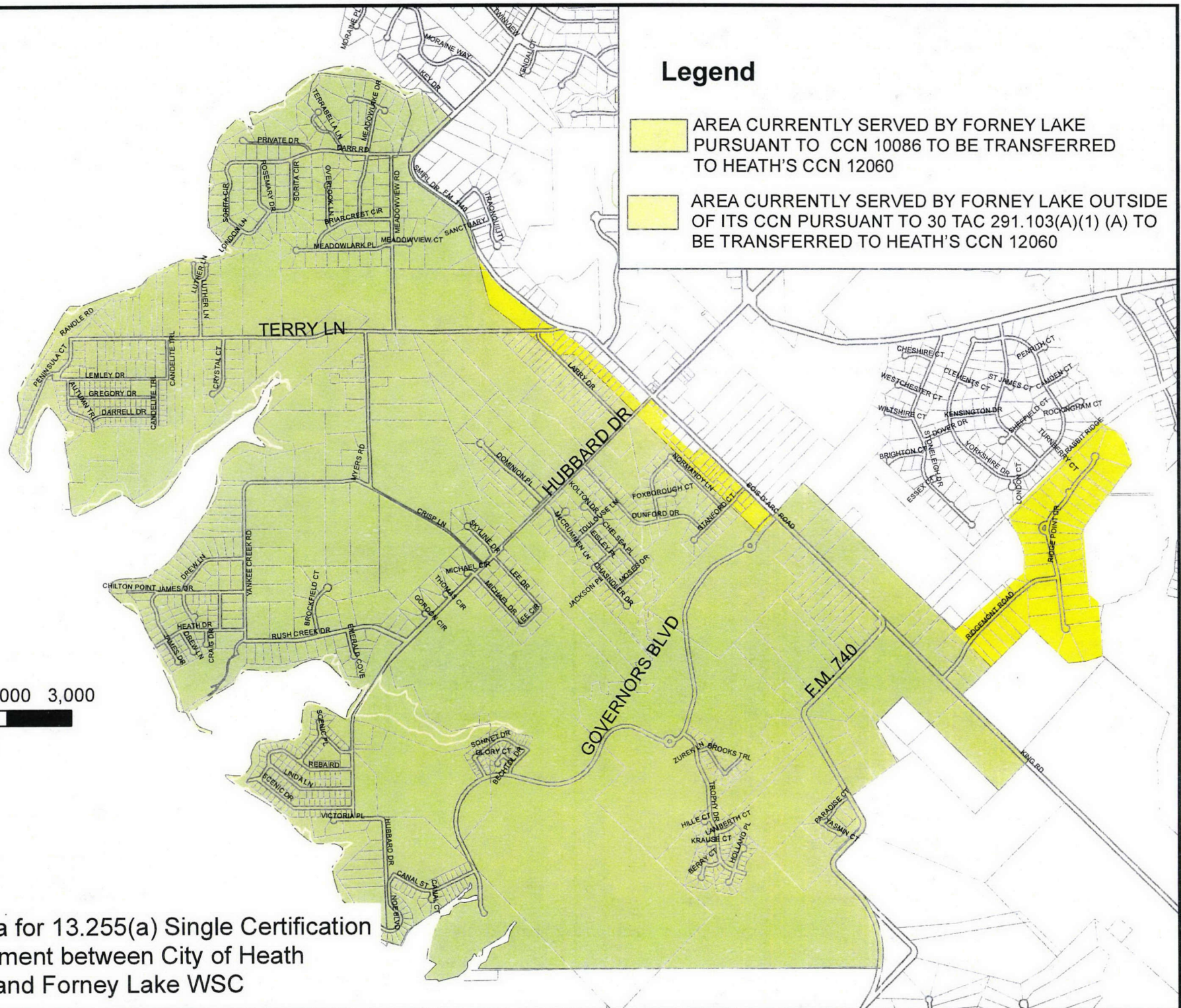
Exhibit 4



Legend

 AREA CURRENTLY SERVED BY FORNEY LAKE PURSUANT TO CCN 10086 TO BE TRANSFERRED TO HEATH'S CCN 12060

 AREA CURRENTLY SERVED BY FORNEY LAKE OUTSIDE OF ITS CCN PURSUANT TO 30 TAC 291.103(A)(1) (A) TO BE TRANSFERRED TO HEATH'S CCN 12060



Transfer Area for 13.255(a) Single Certification
Agreement between City of Heath
and Forney Lake WSC