

ORDINANCE NO. 2022-0519B

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF WILMER, TEXAS. TO ANNEX ONE TRACT OF LAND, TOTALING APPROXIMATELY 12.436-ACRES ALONG WITH THE ADJACENT SUNRISE ROAD RIGHTS-OF-WAY IN ACCORDANCE WITH CHAPTER 43.106 TLGC, ON ALL THAT CERTAIN 12.436-ACRE TRACT OF LAND GENERALLY LOCATED SOUTH OF BELTLINE ROAD AND EAST OF SUNRISE ROAD; AND BEING SITUATED IN THE MAJOR W. SPENCER SURVEY, ABSTRACT NO. 1287, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 224.70-ACRE TRACT OF LAND DESIGNATED AS "TRACT I" IN THE SPECIAL WARRANTY DEED TO SCHLACHTER REALTY, LTD. RECORDED IN 201300000170, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (OPRDCT), CITY OF WILMER ETJ, DALLAS COUNTY, TEXAS; AND BEING FULLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; WITH AN ANNEXATION SERVICE AGREEMENT BEING FULLY DESCRIBED IN EXHIBIT "B"; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City is a duly constituted Type "A" General Law City pursuant to Chapter 6, Local Government Code, as amended, and

WHEREAS, , the City Council of the City of Wilmer, Texas, held a public hearing on May 19, 2022, in accordance with Chapter 43.0675 of the Texas Local Government Code (TLGC) and has determined that it would be in the best interest of the citizens of Wilmer to annex the subject property into the City of Wilmer, Dallas County, Texas; and

WHEREAS, pursuant to Chapter 43 Subchapter C-3, Local Government Code, the owner of a tract of land has voluntarily petitioned the City of Wilmer to annex a certain adjacent and contiguous parcel, totaling approximately 12.436-acres along with the adjacent Sunrise Road rights-of-way in accordance Chapter 43.106 TLGC. Generally located south of Beltline Road and east of Sunrise Road; and being situated in the Major W. Spencer Survey, Abstract No. 1287, Dallas County, Texas, and being a portion of a called 224.70-acre tract of land designated as "Tract I" in the Special Warranty Deed to Schlachter Realty, LTD. Recorded in 201300000170, Official Public Records, Dallas County, Texas (OPRDCT), City of Wilmer ETJ, Dallas County, Texas (the "Property") more fully described in Exhibit "A", and

WHEREAS, the property is (1) contiguous to the City; (2); and the owners have entered into an agreement with the City for the provision of services (3) the property is entirely owned by the petitioners, and

WHEREAS, the City Council has determined that all requirements of Chapter 43 Subchapter C-3, Local Government Code have been complied with and hereby consider it appropriate to grant the petition for annexation,

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

SECTION 1. That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in its entirety.

SECTION 2. That the City Council has heard arguments for and against the annexation and has determined to grant the petition for annexation.

SECTION 3. That the Property described in Exhibits "A", attached hereto and incorporated herein for all proposes, be and is hereby annexed and brought within the corporate limits of the City of Wilmer, Dallas County, Texas, and same is hereby made an integral part hereof.

SECTION 4. That the owners and future inhabitants of the area herein annexed be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and is hereby amended to include the aforementioned territory as part of the City of Wilmer, Texas.

SECTION 6. That the City Administrator is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add territory hereby annexed as required by law.

SECTION 7. That this Ordinance shall become effective after is passage.

SECTION 8. That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk of Dallas County, Texas.

SECTION 9. If any section, subsection, sentence, phrase, or word of this Ordinance be found illegal, invalid, or unconstitutional or any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph, or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph, or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 10. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

SECTION 11. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

SECTION 12. The City Council hereby finds and declares that written notice of the

date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

With a quorum present, by motion duly made, seconded, and passed with an affirmative vote of all the Council members present, the requirement for adoption of this Ordinance having been met.

SECTION 13. A Written Service Plan was prepared in accordance with applicable provision of State law pertaining to annexation is attached hereto as **Exhibit B** and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

SECTION 14. The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Dallas County, Texas, and with other appropriate officials and agencies as required by state and federal law.

DULY PASSED and approved by the City Council of the City of Wilmer, Texas, on the 19th day of May, 2022.

ATTEST:


Mayra A. Ortiz, City Secretary

APPROVED:


Sheila Petta, Mayor

APPROVED AS TO FORM:

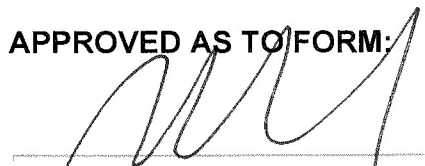

Michael B. Halla, City Attorney

EXHIBIT "A" – LEGAL DESCRIPTION

BEING a tract of land situated in the Major W. Spencer Survey, Abstract No. 1287, Dallas County, Texas, and being a portion of a called 224.70-acre tract of land designated as "Tract I" in the Special Warranty Deed to Schlachter Realty, Ltd. recorded in 201300000170, Official Public Records, Dallas County, Texas (OPRDCT), and being more particularly described as follows:

BEGINNING at 5/8" iron rod with red plastic cap stamped "KHA" found for the northwest corner of said 224.70-acre tract and the southwest corner of a called 10.201 acre tract of land described in the Special Warranty Deed to Sunrise 60, LLC recorded in Instrument No. 202000240316, OPRDCT, and being in the northeast right-of-way line of Sunrise Road (a variable width prescriptive right-of-way);

THENCE North 88°50'30" East, with the common line of said 224.70-acre tract and said 10.201-acre tract, a distance of 1,462.18 feet to a 5/8" iron rod with red plastic cap stamped "KHA" found for the southeast corner of said 10.201-acre tract and the southwest corner of a tract of land designated as "Tract VIII" in the Warranty Deed With Vendor's Lien to Schlachter Realty, Ltd. recorded in Instrument No. 200503644421, OPRDCT;

THENCE over and across said 224.70-acre tract, the following courses and distances: South 31°10'01" East, a distance of 65.24 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner; South 59°17'00" West, a distance of 1,272.42 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner in the common line of said 224.70-acre tract and said northeast right-of-way line of Sunrise Road;

THENCE North 30°42'54" West, with said common line, a distance of 786.54 feet to the **POINT OF BEGINNING** and containing a computed area of 541,707 square feet or 12.436 acres of land.

EXHIBIT "B"

**ANNEXATION SERVICE AGREEMENT BETWEEN
THE CITY OF WILMER AND
TXWL, LLC**

As required by Section 43.0672 of the Texas Local Government Code, this Annexation Service Agreement (this "Agreement") shall serve as a written agreement between the City of Wilmer, Texas (the "City") and Cornell Corrections of Texas, INC. ("the Owner"), owner of the Annexed Area (collectively, the "Parties") concerning the provision of services to the territory described in the attached and incorporated Exhibit A (the "Annexed Area").

WHEREAS, Chapter 43 of the Texas Local Government Code provides that areas annexed into the City are entitled to all rights and privileges as other citizens of the City; and

WHEREAS it is found that all statutory requirements have been satisfied and the City is authorized by Chapter 43 Subchapter C-3 of the Texas Local Government Code to annex the subject property into the City.

NOW THEREFORE, the Parties agree as follows concerning the services that are to be provided within the Annexed Area on the effective date of the annexation:

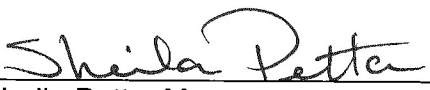
1. City of Wilmer water service will be available to the property upon application by the property owner, at a level consistent with current methods and procedures presently provided to similar areas of the City, on the effective date of this Agreement. Unless otherwise agreed upon, City water service will be provided to the Annexed Area by extension of existing lines, sized and installed in accordance with the Technical Construction Standards and Specifications (TCSS) as adopted or amended, by the Owner and dedicated to the City for those facilities located in a public right-of-way and/or easement.
2. City of Wilmer sewer service will be available to the property upon application by the property owner, at a level consistent with current methods and procedures presently provided to similar areas of the City, on the effective date of this Agreement. Unless otherwise agreed upon, City sewer service will be provided to the Annexed Area by extension of existing lines, sized and installed in accordance with the Technical Construction Standards and Specifications (TCSS) as adopted or amended, by the Owner and dedicated to the City for those facilities located in a public right-of-way and/or easement..
3. The Wilmer Fire Department shall serve the property, at a level consistent with current methods and procedures presently provided to similar areas of the City, on the effective date of this Agreement
4. Emergency Medical Services (EMS) shall be provided by the Wilmer Fire Department twenty-four (24) hours a day, at a level consistent with current methods and procedures presently provided to similar areas of the City, on the effective date of this Agreement.

5. The Wilmer Police Department shall patrol the property, at a level consistent with current methods and procedures presently provided to similar areas of the City, on the effective date of this Agreement.
6. Operation and maintenance of public streets in the annexed area will be provided by the City on the effective date of this Agreement. The City will coordinate any request for street lighting with the local electric provider in accordance with City policy.
7. Any future development on the property will be required to comply with the City's subdivision regulations regarding the construction of any roadway, installation of traffic signals, signs, street markings and other traffic control devices, including street lighting. The City will only maintain future development of public roadways when they are constructed to City specifications as set forth in the City's subdivision and related regulations.
8. Solid waste services are available through a franchise agreement with Waste Management and the City to provide services to all residents and nonresidential entities according to the schedule as delineated in the contract.
9. Land Use Regulation: On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area. Any lawful uses and structures existing at the time of annexation may continue, even if they are not permitted under current City ordinances.
10. Application for services by the property owner will be approved following submittal to the City.
11. To the extent the City is not providing any of the foregoing services, the City shall commence providing such services within the Annexed Area on the same schedule and the same terms as such services are provided in other areas of the City.
12. The Parties agree that the terms of this Agreement will not provide any fewer services, and it will not provide a lower level of service in the Annexed Area than were in existence in such area at the time immediately preceding the annexation process.
13. The Parties agree that the City is not required to provide a service in the Annexed Area that is not included in this Agreement.

EXECUTED ON THIS 19th DAY OF MAY, 2022.

CITY OF WILMER, TEXAS

APPROVED:



Sheila Petta, Mayor

ATTEST:



Mayra Ortiz, City Secretary

APPROVED AS TO FORM:



Michael Halla, City Attorney

APPROVED:

Mike Rader


Manager

ACKNOWLEDGMENT

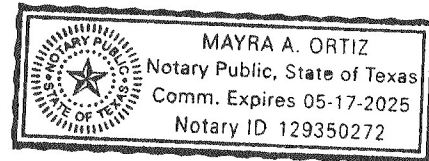
THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the 19th day of May, 2022, by Mike Rader ("the Owner – TXWL, LLC") owner of the Annexed Area.

Mayra A. Ortiz
Notary Public, State of Texas

May 17, 2025
My Commission Expires



ACKNOWLEDGMENT

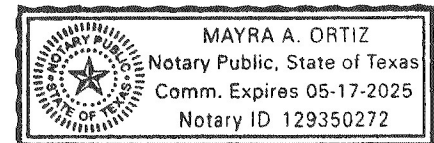
THE STATE OF TEXAS §

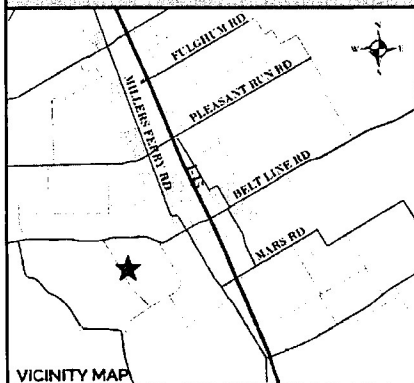
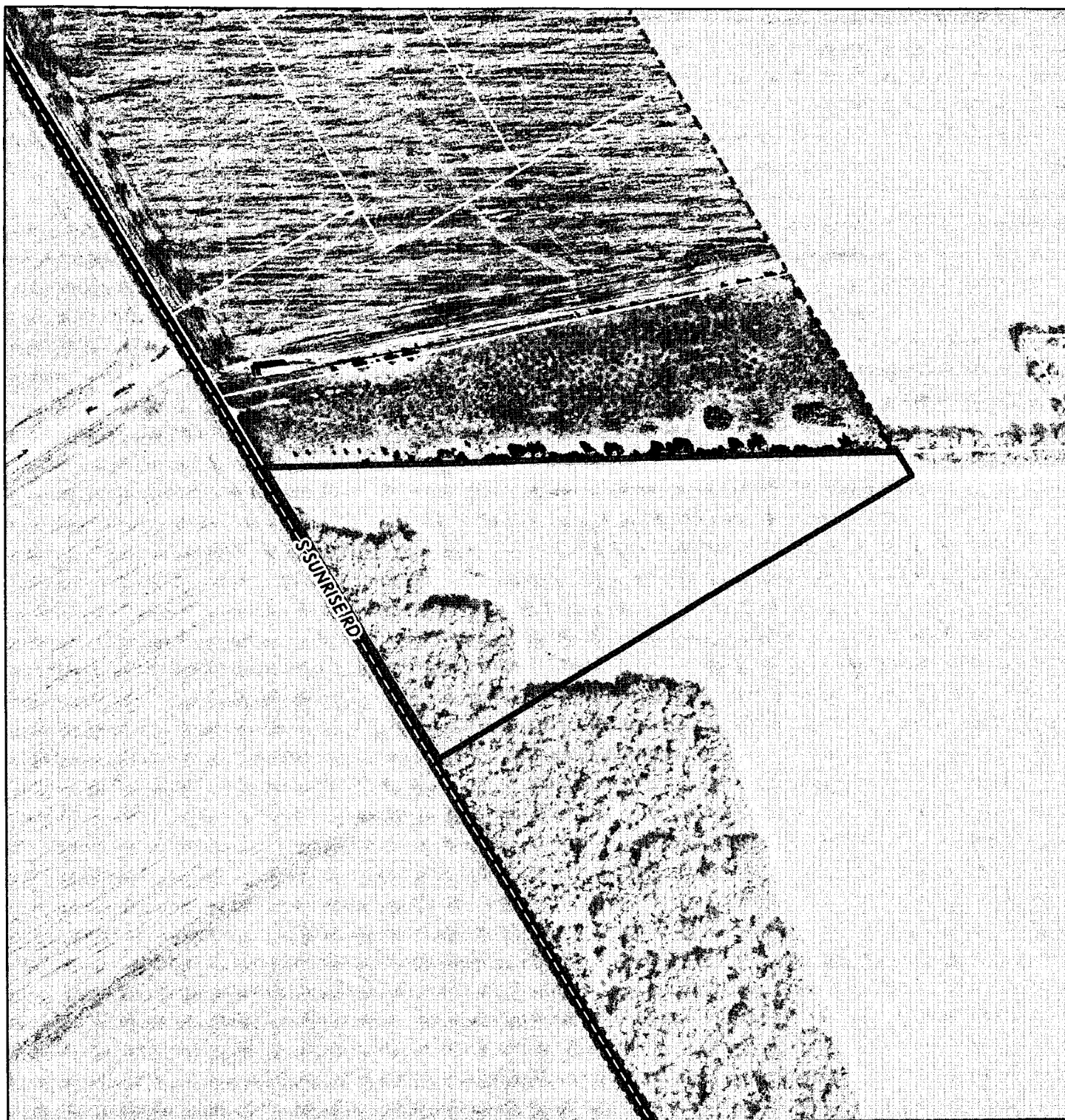
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 19th day of May, 2022, by Sheila Petta, Mayor for the City of Wilmer, on behalf of the Grantee, City of Wilmer, a political subdivision of the State of Texas.

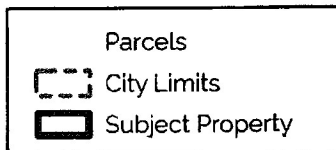
Mayra A. Ortiz
Notary Public, State of Texas

May 17, 2025
My Commission Expires

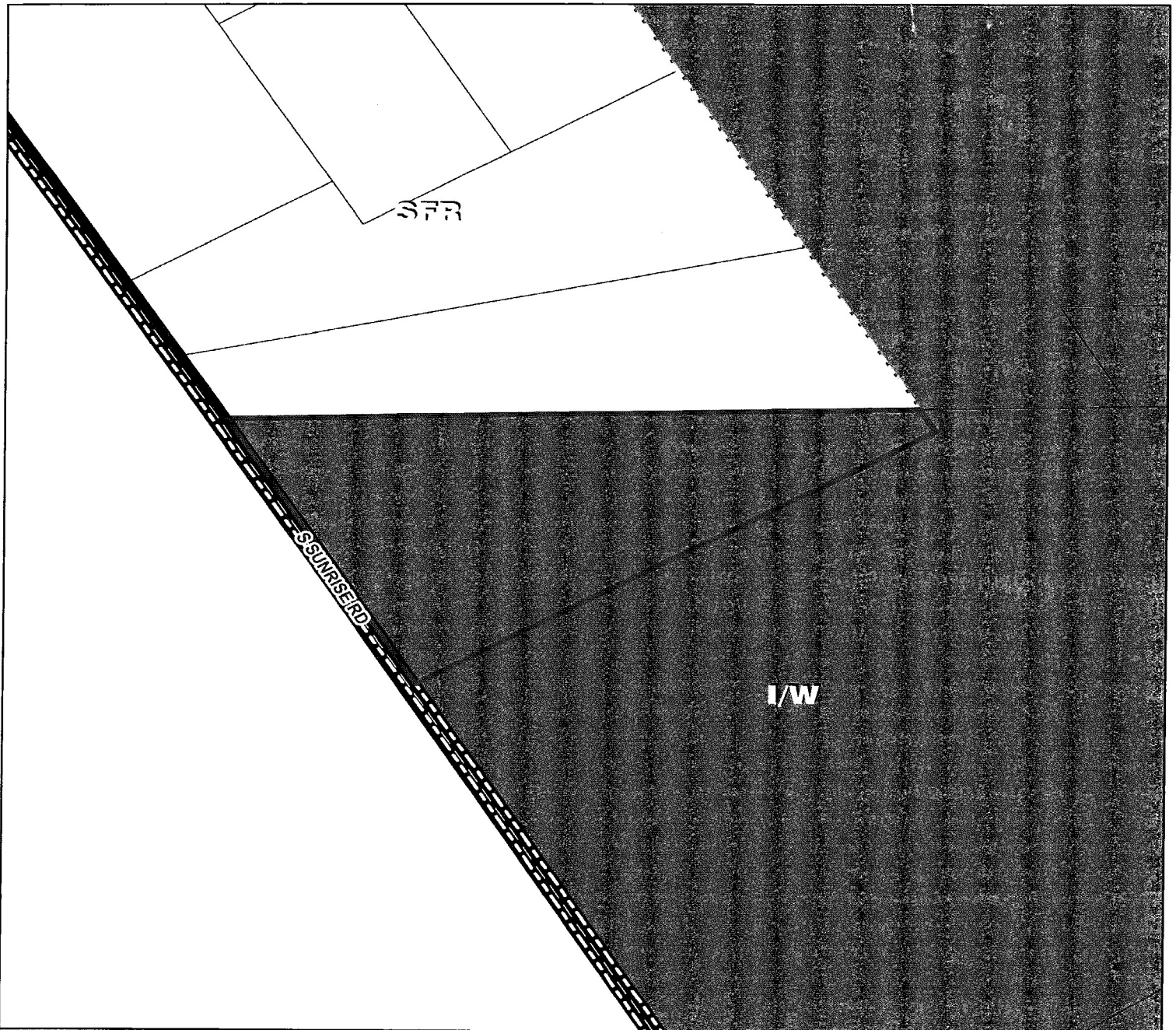




CITY OF WILMER
LOCATION MAP
Case #M-22-25



date: 03/09/2022



Subject Property

Parcels

City Limits

Future Land Use

Land Use Code

COM (Commercial)

TC (Town Center)

FP (Floodplain)

I/W (Industrial/Warehouse)

MFR (Multi-Family Residential)

O/S (Office/Services)

P/O (Parks/Open Spaces)

PUB (Public)

SFR (Single Family Residential)

CITY OF WILMER
FUTURE LAND USE MAP
 Case #M-22-25
 FLUM Code: I/W

0 125 250 500 Feet

date: 03/09/2022



**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202200160258

eRecording - Real Property

Recorded On: June 08, 2022 12:53 PM

Number of Pages: 11

" Examined and Charged as Follows: "

Total Recording: \$62.00

******* THIS PAGE 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: 202200160258
Receipt Number: 20220608000567
Recorded Date/Time: June 08, 2022 12:53 PM
User: Lynn G
Station: CC53

Record and Return To:

Simplifile



**STATE OF TEXAS
COUNTY OF DALLAS**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.**

John F. Warren
Dallas County Clerk
Dallas County, TX