

**CITY OF HEATH, TEXAS
ORDINANCE NO. 251209A**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING CHAPTER 159, “ZONING” OF THE CODE OF ORDINANCES AND AMENDING THE ZONING MAP TO CHANGE THE ZONING CLASSIFICATION FROM (AG) AGRICULTURAL DISTRICT TO (SF-43) SINGLE-FAMILY RESIDENTIAL DISTRICT, ON A 4.99-ACRE PARCELS OF LAND DESCRIBED AS LOT 1 AND LOT 2, PEACEFUL POINTE ADDITION, CITY OF HEATH, ROCKWALL COUNTY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AN AMENDMENT; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE .

WHEREAS, the City of Heath (the “City”) is a Home Rule Municipality, acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City (the “City Council”), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

WHEREAS, the City Council adopted Chapter 159 of its Code of Ordinances, being the Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

WHEREAS, an application was submitted to change the zoning from (AG) Agricultural District to (SF-43) Single Family Residential District for parcels of land described as Lot 1 and Lot 2, Peaceful Pointe Addition, containing 4.99-acres. The subject property is referenced as Rockwall Central Appraisal District Property ID Numbers 29880 & 338632, City of Heath, Rockwall County, Texas and is more particularly described in the attached Exhibit “A” (the “Property”); and

WHEREAS, the Planning and Zoning Commission of the City of Heath and the City Council of the City of Heath, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Heath finds that said changes should be granted; and

WHEREAS, the City Council finds that the request is in the public interest and serves the public health, safety and welfare.

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

Section 1. Incorporation of Premises. 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 their entirety.

Section 2. Amendment to the Zoning Map. The Zoning Classification and the Zoning Map depicting the Property, described more specifically in “Exhibit A”, a copy of which is attached hereto and incorporated herein, are hereby amended to reflect the change in zoning classification for the Property from (AG) Agricultural District to (SF-43) Single Family Residential District.

Section 3. Effect on Zoning Ordinance. Chapter 159, “Zoning,” of the City of Heath Code of Ordinances, as amended, shall remain in full force and effect and applicable to the Property in accordance with this Ordinance.

Section 4. Cumulative Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Heath, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed.

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Repealer Clause. Any provisions of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Heath, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 8. Effective Date. This Ordinance shall take effect immediately from and after its passage, and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED, AND ADOPTED on this the 9th day of December 2025.

APPROVED:


Jeremiah McClure, Mayor

ATTEST:


Norma Duncan, City Secretary

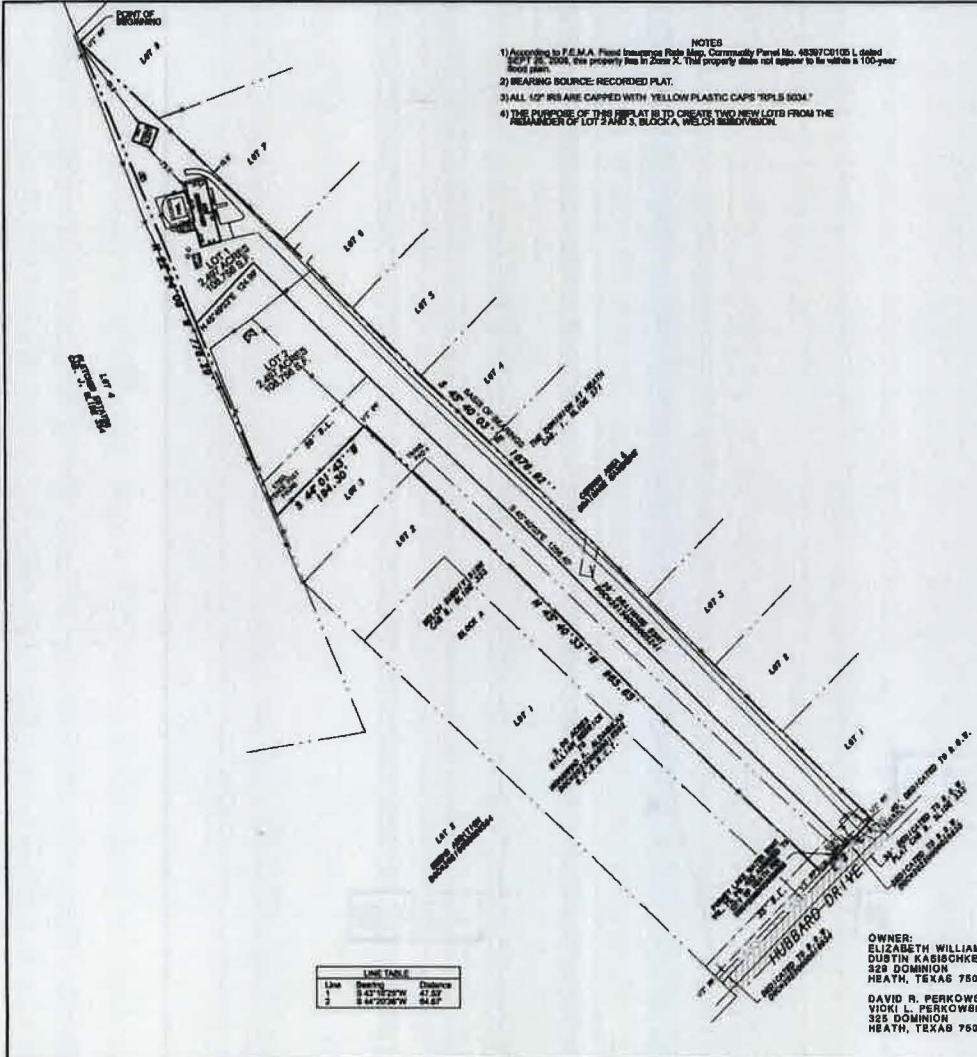
APPROVED AS TO FORM:


Marie Johnson, Assistant City Attorney

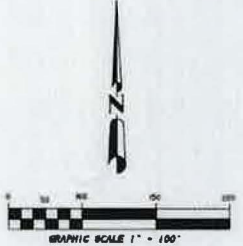
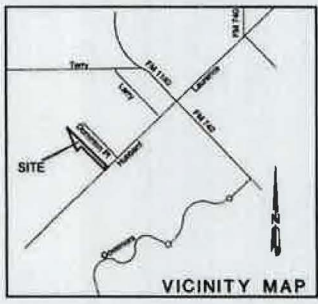


EXHIBIT A

20250501001 PLAT TITLE PAGE 2
 H.D. FETTY LAND SURVEYOR, L.L.C. 6770 FM 1505 ROYSE CITY, TX 75189 972-625-2255 info@hdfetty.com



- NOTES
- 1) Approved by P.E.A. Final Subdivision Plat Map, Community Parcel No. 6839700100 L dated 02/17/20, 2008, this property lies in Zone X. The property does not appear to be within a 100-year flood plain.
 - 2) BEARING BOUND: RECORDED PLAT.
 - 3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5004."
 - 4) THE PURPOSE OF THIS REPLAT IS TO CREATE TWO NEW LOTS FROM THE REMAINDER OF LOT 2 AND 3, BLOCK A, WELCH SUBDIVISION.



Line	Bearing	Distance
1	S 47° 18' 00" W	47.00'
2	S 47° 22' 00" W	84.00'

FINAL PLAT
**LOT 1 & 2, BLOCK A
 PEACEFUL POINTE**
 217,512 SQ. FT.
 4.99 ACRES

BEING A REPLAT OF PART OF LOT 2 AND 3,
 BLOCK A, WELCH SUBDIVISION
 J.O. HEATH SURVEY, ABSTRACT NO. 118
 CITY OF HEATH, ROCKWALL COUNTY, TEXAS

OWNER:
 ELIZABETH WILLIAMSON
 DUSTIN KASICHKE
 329 DOMINION
 HEATH, TEXAS 75032

DAVID R. PERKOWSKI
 VICKI L. PERKOWSKI
 325 DOMINION
 HEATH, TEXAS 75032

H.D. Fetty Land Surveyor, LLC
 Firm Registration No. 101509-00
 6770 FM 1505 ROYSE CITY, TX 75189 972-625-2255 info@hdfetty.com

SHEET 1 OF 2

DATE: 05/01/2025
 TIME: 10:00 AM
 DRAWN BY: JCF
 CHECKED BY: JCF

CASE # RP2025-09

ZA-2025-05 AG to SF-43
 504 & 510 Hubbard Drive

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, Elizabeth Williamson, Dustin Kaeleche, David R. Perkowski and Vicki L. Perkowski are the owners of the following described tract:

All that certain lot, tract or parcel of land situated in the J.O. HEATH SURVEY, ABSTRACT NO. 118, CITY OF HEATH, ROCKWALL COUNTY, TEXAS, more or less as and to wit: LOT 1 & 2, BLOCK A, PEACEFUL POINT, an addition to the City of Heath, Rockwall County, Texas, according to the Plat thereof recorded in Galveston County, Texas, Book 23, of the Public Records of Rockwall County, Texas, and being a part of the same tract as described in a Warranty deed from Charles E. Little, Jr. to Joyce Melroy, as recorded in Volume 724, Page 251 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 107' iron nail found for corner of the north west corner of said Lot 3, Block A, and said survey tract, said point being in the west boundary of Lot 3, The Dominion at Heath, an addition to the City of Heath, Rockwall County, Texas, according to the Plat thereof recorded in Galveston County, Texas, Book 23 of the Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 40 min. 00 sec. E. along the southern boundary of The Dominion at Heath and the northern boundary of said Lot 3, a distance of 179.83 feet to a 1/2" iron nail for corner to the northeast corner of said Lot 3, the same as described in Document No. 2022000001802 of the Official Public Records of Rockwall County, Texas;

THENCE S. 43 deg. 18 min. 28 sec. W. along said right-of-way, a distance of 47.53 feet to a 1/2" iron nail found for corner;

THENCE S. 44 deg. 20 min. 28 sec. W. along said right-of-way a distance of 84.87 feet to a 1/2" iron nail found for corner in the northeast corner of a tract of land as described in a Warranty deed from Victoria Jenkins to Christopher A. Johnson, as recorded in Document No. 2022000001802 of the Official Public Records of Rockwall County, Texas;

THENCE N. 45 deg. 40 min. 00 sec. W. along the northeast boundary of said A.M.H. tract, a distance of 860.00 feet to a 1/2" iron pipe found for corner at the north corner of same;

THENCE S. 44 deg. 01 min. 43 sec. W. a distance of 194.30 feet to a steel fence post for corner; and covering 217,512 square feet or 4.99 acres of land.

THAT, Elizabeth Williamson, Dustin Kaeleche, David R. Perkowski and Vicki L. Perkowski, are the owners of said tract, and do hereby certify that the plat describing the heretofore described property as LOT 1 & 2, BLOCK A, PEACEFUL POINT, and hereby certifies to the public use hereof all streets, alleys, water courses, drains, easements and public utility lines shown on the plat and approved and for the public accommodation and use of all citizens operating or using same. The City of Heath and public utility shall, at all times, have the full right of ingress and egress to and from their respective easements for the purposes of constructing, reconstructing, inspecting, detecting, maintaining, making repairs, and relating to or carrying on all or parts of those easements systems without the necessity of obtaining permission from anyone. The City of Heath or Rockwall County are not responsible for any claims or any future resulting from the establishment of grades on streets in the subdivision.

We further certify that all other parties who have a mortgage or lien interest in LOT 1 & 2, BLOCK A, PEACEFUL POINT, have been notified and signed this plat.

We also understand the following:

- 1. No buildings shall be constructed or placed upon, over or across the utility easements as described herein.
- 2. Any public utility shall have the right to remove and install, repair or alter any of its buildings, lines, poles, conduits, or other works or improvements which in any way endanger or interfere with construction, maintenance or efficiency of these respective systems on any of these easement areas, and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement areas for purposes of construction, reconstruction, inspecting, detecting, maintaining, and other adding to or repairing any of these systems without the necessity of, at any time, obtaining the permission of anyone.
- 3. The City of Heath will not be responsible for any claims of any nature resulting from or occasioned by the establishment of the grades in the subdivision.
- 4. No building, dwelling unit, or other structure shall be constructed on any lot in this subdivision by the owner or any other person who is not the owner of the lot, nor shall any person be held responsible for the subdivision boundaries of the City of Heath regarding improvements with respect to the water block on the street or signs on which property abuts, including the actual location of the driveway, the location of the driveway, the location of the driveway, the location of the driveway of the City of Heath, or any other easement, subject to pay for the cost of such improvements, as determined by the City's engineer under city administration, provided that a grade differential may have been made with the City's engineer, accompanied by an agreement signed by the developer and the city, authorizing the city to make such improvements at existing private easement areas, if there is the same made by a contractor and any fee has been paid to the engineer. Should the Developer and/or owner fail to release to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified payments to the City engineer, provided he certifies that such deposit or payments to the developer and/or owner shall be a non-refundable credit with the city secretary in full upon the end of such improvements for the benefit of the City of Heath in making the installation thereof within the time stated in the book, which time shall be fixed by the City of Heath.

Witness my hand this 17th day of October 2025
Elizabeth Williamson
Dustin Kaeleche
David R. Perkowski
Vicki L. Perkowski

STATE OF TEXAS
COUNTY OF ROCKWALL
Before me, the undersigned authority, on this day personally appeared Elizabeth Williamson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.
Given upon my hand and seal of office this 17th day of October 2025
Sheila Hillhouse
My Commission Expires 4-3-2029

STATE OF TEXAS
COUNTY OF ROCKWALL
Before me, the undersigned authority, on this day personally appeared Dustin Kaeleche known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.
Given upon my hand and seal of office this 16th day of October 2025
Sheila Hillhouse
My Commission Expires 4-3-2029

STATE OF TEXAS
COUNTY OF ROCKWALL
Before me, the undersigned authority, on this day personally appeared David R. Perkowski known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.
Given upon my hand and seal of office this 16th day of October 2025
Sheila Hillhouse
My Commission Expires 4-3-2029

STATE OF TEXAS
COUNTY OF ROCKWALL
Before me, the undersigned authority, on this day personally appeared Vicki L. Perkowski known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.
Given upon my hand and seal of office this 16th day of October 2025
Sheila Hillhouse
My Commission Expires 4-3-2029



STATE OF TEXAS
COUNTY OF ROCKWALL
Before me, the undersigned authority, on this day personally appeared David R. Perkowski known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.
Given upon my hand and seal of office this 17th day of October 2025
Sheila Hillhouse
My Commission Expires 4-3-2029

STATE OF TEXAS
COUNTY OF ROCKWALL
Before me, the undersigned authority, on this day personally appeared Vicki L. Perkowski known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.
Given upon my hand and seal of office this 17th day of October 2025
Sheila Hillhouse
My Commission Expires 4-3-2029

THE STATE OF TEXAS
COUNTY OF ROCKWALL
I hereby certify that this instrument was FILED on the date and the time alleged herein, to be and was duly RECORDED in the Public Office of Rockwall County, Texas.
2822000019361 PLAT
10/24/2025 09:28:00 AM Total Fees: \$60.00
Jennifer Papp, County Clerk
Rockwall County, TX

SURVEYOR'S CERTIFICATE
NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That I, Harold D. Fetty, Jr., do hereby certify that I prepared this plat from an actual on the ground and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision.

Harold D. Fetty, Jr., Registered Professional Land Surveyor No. 52181

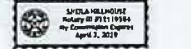


APPROVED
City Engineer or Designee
City of Heath, Texas
10/21/2025
I hereby certify that the above and foregoing plat of LOT 1 & 2, BLOCK A, PEACEFUL POINT, an Addition to the City of Heath, Texas, was approved by the City Engineer or designee of the City of Heath on the 21st day of October 2025.
This agreement shall be void unless the agreement, LOT 1 & 2, BLOCK A, PEACEFUL POINT, is recorded in the office of the County Clerk of Rockwall County, Texas, within 300 days from the date of this agreement. An extension may be granted by the City Engineer or Designee.
The final plat shall be subject to all the requirements of the Subdivision Ordinance of the City of Heath.
Witness my hand this 21st day of October 2025
Victoria Duncan
City of Heath, Texas

FINAL PLAT
LOT 1 & 2, BLOCK A
PEACEFUL POINT

217,512 SQ. FT.
4.99 ACRES

BEING A REPLAT OF PART OF LOT 2 AND 3,
BLOCK A, WELCH SUBDIVISION
J.O. HEATH SURVEY, ABSTRACT NO. 118
CITY OF HEATH, ROCKWALL COUNTY, TEXAS



OWNER:
ELIZABETH WILLIAMSON
DUSTIN KAELECHE
329 DOMINION
HEATH, TEXAS 75032
DAVID R. PERKOWSKI
VICKI L. PERKOWSKI
325 DOMINION
HEATH, TEXAS 75032

H.D. Fetty Land Surveyor, LLC
Firm Registration No. 101599-00
8770 FM 1565, ROCKWALL, TX 75088 972-635-2266 hfetty@hdfetty.com

SHEET 2 OF 2
SUBMITTED: JUNE 3, 2025
DRAWN BY: J.D. FETTY
CHECKED BY: J.D. FETTY
DATE: 10/21/2025

CASE # RP2025-09



Order Number 20817
 Today's Date 10 Dec 2025
 P.O. Number Norma Duncan
 Sales Rep(s) David Ferster

Remit Payments (with Acct Number) to:

Medium Giant, Attn: Accounts Receivable / 4th Floor, 1954 Commerce St, Dallas, TX 75201-5205

Bill-to

CITY OF HEATH
 200 LAURENCE DR
 ROCKWALL, TX 750322068
 Tel: 972 771-6228
 Account No: 100231

Advertiser

CITY OF HEATH
 200 LAURENCE DR
 ROCKWALL, TX 750322068
 Tel: 972 771-6228
 Account No: 100231

Campaign Summary

Description	Ordinance
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Cost Summary

Net Amount	\$270.50
Estimated Tax	\$0.00
Total	\$270.50

Products

Line No.	Product	Description	First Issue Date	Number of Issues	Size / Lines	Amount
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78602	The Dallas Morning News	Legal Special Rate - Legal Notices Legal Notices --> Legal Notices	12/11/2025	1	3x1.094	\$--
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Ordinance No. 251299A, City of Heath, Texas amending Chapter 159, "Zoning" of the Code of Ordinances and amending the zoning map to change the zoning classification from (AG) Agricultural District to (SF-43) Single-Family Residential District, on a 4.99-acre parcels of land described as lot 1 and lot 2, Peaceful Pointe Addition, City of Heath, Rockwall County, Texas; providing for the incorporation of premises; providing an amendment; providing cumulative, repeater and severability clauses; providing a penalty not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed each day during or on which a violation occurs or continues; and providing for publication and an effective date.