

Village of Webberville

Ordinance No. 2004-05

ANNEXATION ORDINANCE

AN ORDINANCE OF THE VILLAGE OF WEBBERVILLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY UPON PETITION OF THE OWNERS INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; ENFORCEMENT CLAUSE INCLUDING INJUNCTIVE RELIEF AND CRIMINAL FINES NOT TO EXCEED \$500 AND CIVIL PENALTIES NOT TO EXCEED \$100 PER VIOLATION; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, Chapter 43 of the Texas Local Government Code authorizes municipalities to annex territory into the municipal boundaries (i.e., corporate limits or city limits) upon request of the property owner if that territory is adjacent and contiguous; and

WHEREAS, Section 43.103 of the Texas Local Government Code authorizes general law municipalities with populations of 500 or more to annex any part of a street, highway or alley or other private or public way that is adjacent and runs parallel to the boundaries into the municipal boundaries without the consent of any person; and

WHEREAS, sworn affidavits and petitions were submitted to the Village requesting that the Village of Webberville annex the land that is more particularly described in Exhibit "A;" and

WHEREAS, the petitioners are the owners of the area to be annexed and represent the majority of all qualified voters (if any) of the area to be annexed; and

WHEREAS, the subject property is one-half mile or less in length, contiguous to the Village, and contains less than three resident, qualified voters; and

WHEREAS, a public hearing was held more than five days after and less than thirty days after the petition for annexation was filed, during which arguments for and against the annexation were entertained; and

WHEREAS, at the conclusion of the hearing the Village Commission determined that the area described in Exhibit "A" and the petitioner satisfy all requirements for inclusion within the municipal boundary and granted the petition for annexation;

NOW THEREFORE, be it ordained by the Village Commission of the Village of Webberville, County of Travis, State of Texas:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village Commission of the Village of Webberville, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. ANNEXATION OF TERRITORY

- A.** The land described in Exhibit A, being also described in the Official Public Real Property Records of Travis County, Texas, is hereby annexed and brought within the municipal boundaries (i.e., corporate limits) of the Village of Webberville, and is made an integral part, hereof.
- B.** The area described in Exhibit "A," which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought within the municipal boundaries (i.e., corporate limits) of the Village of Webberville, and is made an integral part, hereof.
- C.** The official map and boundaries of the Village are hereby amended and revised so as to include the area annexed.
- D.** The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the Village and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

3. EFFECTIVE DATE

This ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance.

4. FILING

- A.** The Village Clerk is hereby instructed to include this Ordinance in the records of the Village and to have maps depicting the new municipal boundaries prepared, as necessary.
- B.** The Mayor is hereby instructed to file a certified copy of this Ordinance with the Travis County Clerk.

5. SEVERABILITY

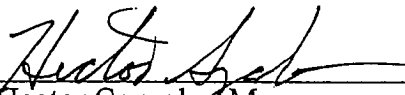
It is hereby declared to be the intention of the Village Commission that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 43 of the Texas Local Government Code.

PASSED AND APPROVED on this, the 10th day of March 2004, by a vote of 2 ayes, 0 nays, and 1 abstentions of the Village Commission.

THE VILLAGE OF WEBBERVILLE



Hector Gonzales, Mayor

ATTEST:



Carol Goodrich, Village Clerk

EXHIBIT "A"

**Cover Page for Map and field notes of properties
adjacent and contiguous to municipal boundaries
that are hereby annexed and included in the municipality**

1. A Rectangle 682.475' x 319.45' (Eastern Half of Tract 6 of Owens Acres Section 4)
(Owner: Hector Gonzales)
2. Lot 1 of Owen Acres Sec 3 (Owner: Roseanne Swart)
3. a 200' wide x 1655' in length strip of land that lies in parts of Lots 1 & 2 of Blake-Manor
Subdivision (Owners: Monte Swearengen and Darlene Hernandez)
4. 2.64 acres, 102 Webberwood Way, Lot 27, Block B, Webberwood Ridge Section 2
(Owners: Jaqueline A Dana and Eric H. Patkowski)