

# VILLAGE OF WEBBERVILLE

## ORDINANCE No. 2017-04

AN ORDINANCE DISCONTINUING THE HEREINAFTER DESCRIBED LAND AND TERRITORY AS A PART OF THE VILLAGE OF WEBBERVILLE, TEXAS, DISANNEXING THE SAME FROM WITHIN THE VILLAGE'S PRESENT CORPORATE LIMITS AND RETAINING ALL OF THE VILLAGE'S EXTRATERRITORIAL JURISDICTION; MAKING FINDINGS OF FACT; REPEALER; PRESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE; CONDITIONING DISANNEXATION UPON EXECUTION AND ENTRY OF MAYOR'S ORDER DISCONTINUING THE AREA AS A PART OF THE VILLAGE AND DISANNEXING IT FROM WITHIN THE CORPORATE LIMITS OF THE VILLAGE; FINDING PROPER NOTICE AND MEETING, AND RELATED MATTERS.

**WHEREAS**, the Village of Webberville, Texas ("Village") is a Type-C, general-law municipality in the State of Texas; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS**, the hereinafter described land and territory ("Area") consists of a part of the Original Village Site included in the Village's land and territory when it was incorporated in 2003, together with land subsequently annexed into the Village on March 10, 2004 pursuant to Ordinance No. 2004-05, to wit: a lot with an address of 102 Webberwood Way, assigned Property Identification Number 445708 by the Travis Central Appraisal District, described in further detail in Exhibit "A" attached hereto, and further specifically represented in the map provided by Travis County Transportation and Natural Resources ("TNR"), which has been marked up to identify the Area being disannexed (Exhibit "B" hereof), which total Area has a dimension of approximately 10.3094 acres; and

**WHEREAS**, pursuant to Texas Local Government Code Section 43.144 ("*Disannexation of Sparsely Populated Area in General-Law Municipality*") the Village Mayor and Village Commission may by ordinance discontinue an area as a part of the municipality if the area consists of at least 10 acres contiguous to the Village, and

is uninhabited or contains fewer than one occupied residence or business structure for every two acres and fewer than three occupied residences or business structures on any one acre; and,

**WHEREAS,** the Mayor and Village Commission find that (1) the Area consists of at least 10 acres contiguous to the Village, and (2) the Area contains fewer than one occupied residence or business structure for every two acres and fewer than three occupied residences or business structures on any one acre; and

**WHEREAS,** the Mayor and Village Commission further find that

**WHEREAS,** Texas Local Government Code Section 42.023 (“Reduction of Extraterritorial Jurisdiction”) specifies that, with exceptions in circumstances that do not apply to the subject Area, the extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution,

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF VILLAGE OF WEBBERVILLE, TEXAS:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. AREA IS DISCONTINUED AND DISANNEXED FROM VILLAGE**

Pursuant to Texas Local Government Code Section 43.144, after the effective date of this Ordinance and upon the execution and official entry by the Mayor of an Order Discontinuing and Disannexing Area as Part of the Village of Webberville, Texas, the Area described in Exhibit “A,” and further represented in the marked up TNR map attached hereto as Exhibit “B,” both made a part hereof for all purposes, shall be discontinued as a part of the Village of Webberville, Texas, and it shall be disannexed and removed from within the corporate limits of the Village, and the present corporate boundaries of the Village shall consequently be modified, altered and amended to reflect the Area’s removal from within the corporate limits of the Village and its disannexation.

### **3. RETENTION OF EXTRATERRITORIAL JURISDICTION**

This Ordinance is not intended to be, is not, nor shall it be interpreted to be a written consent by the Village Commission of the Village of Webberville, under Texas Local Government Code Section 42.023, or consent under any other provision of law, to any reduction in the Village's extraterritorial jurisdiction. The Village is retaining all of its existing extraterritorial jurisdiction, unmodified in any way by the Area's disannexation.

### **4. OBLIGATIONS; RIGHTS AND PRIVILEGES; REGULATIONS**

After the effective date of this Ordinance and upon the execution and official entry by the Mayor of an Order Discontinuing and Disannexing Area as Part of the Village of Webberville, Texas, and except as may otherwise be provided by applicable law, the Area shall no longer bear any of the *ad valorem* property taxes levied by the Village and any inhabitants thereof shall no longer be entitled to any rights or privileges as citizens of the Village, nor shall they be bound by the acts, ordinances, resolutions, and regulations of the Village, as such are limited in application to the citizens and the corporate limits of the Village.

### **5. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### **6. PRESERVATION OF RIGHTS**

No presently existing illegal use shall be deemed to have been legalized by the passage of this Ordinance, and shall remain an illegal use. Any presently existing legally recognized nonconforming uses shall remain nonconforming uses. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this Ordinance shall be discharged or affected by the same, but that enforcement procedures, prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted, or causes presently pending proceed in all respects as if this Ordinance had not been adopted.

## **7. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

## **8. ENTRY OF ORDER DISCONTINUING AREA**

After approval of this Ordinance, the Mayor shall execute and enter in the Village minutes and records the Order Discontinuing and Disannexing Area as Part of the Village of Webberville, Texas, attached hereto as Exhibit "C". Upon the official entry of the said Order the Area shall cease to be a part of the Village and shall be disannexed from the same.

## **9. FILING WITH COUNTY CLERK**

Following the official entry by the Mayor of the aforementioned Order the Village Clerk and staff are directed to take any and all necessary and proper actions to reflect the modification of the Village's corporate boundaries and preservation of the its extraterritorial jurisdiction, including but not limited to preparing an updated Village Map that excludes the Area from within the Village boundaries, which map shall be submitted to the Village Commission for approval by ordinance. Promptly after approval, the Village Clerk shall file with County Clerk of Travis County certified copies of the following:

- a. this Ordinance;
- b. Description of Area Discontinued and Disannexed from Within the Corporate Limits of the Village of Webberville, Texas (Exhibit "A" hereof);
- c. Map provided by Travis County TNR, marked up to identify the Area being disannexed (Exhibit "B" hereof);
- d. the executed and entered Order Discontinuing and Disannexing Area as Part of the Village of Webberville, Texas (Exhibit "C" hereof); and

as soon as possible after Village Commission approval of an updated Village Map:

- e. the Ordinance approving the updated Village Map, with any attachments thereto.


## **10. PROPER NOTICE & MEETING**

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

also provided as required by any applicable provision of Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this, the 20th day of September, 2017 by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the Village Commission of Village of Webberville, Texas.


VILLAGE OF WEBBERVILLE



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HECTOR GONZALES, MAYOR

ATTEST:



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CARISSA CANNADAY, VILLAGE CLERK

## **EXHIBIT "A"**

### **DESCRIPTION OF AREA DISCONTINUED AND DISANNEXED FROM WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WEBBERVILLE, TEXAS**

The "AREA" is described as that tract of land:

in the Village of Webberville, County of Travis, Texas, starting at the North-West corner of 901 Webberwood Way, assigned Property Identification Number 445809 by the Travis Central Appraisal District, being the POINT OF BEGINNING;

then proceeding in a Northerly direction along the Easterly Right of Way line of Webberwood Way for 5,568' to a POINT;

then proceeding across Webberwood Way to the Westerly Right of Way line of Webberwood Way to a POINT;

then turning left and proceeding in a Southerly direction along the Westerly Right of Way line of Webberwood Way, passing in front of 102 Webberwood Way, LOT 27 BLK B WEBBERWOOD RIDGE SEC 2 TITLE CANCELED TO REAL ESTATE MH S#PH079706A/B, assigned Property Identification Number 445708 by the Travis Central Appraisal District, and including all of said lot, and then continuing along the Westerly Right of Way line of Webberwood Way, for total distance from the previous point of 5,568', to a POINT;

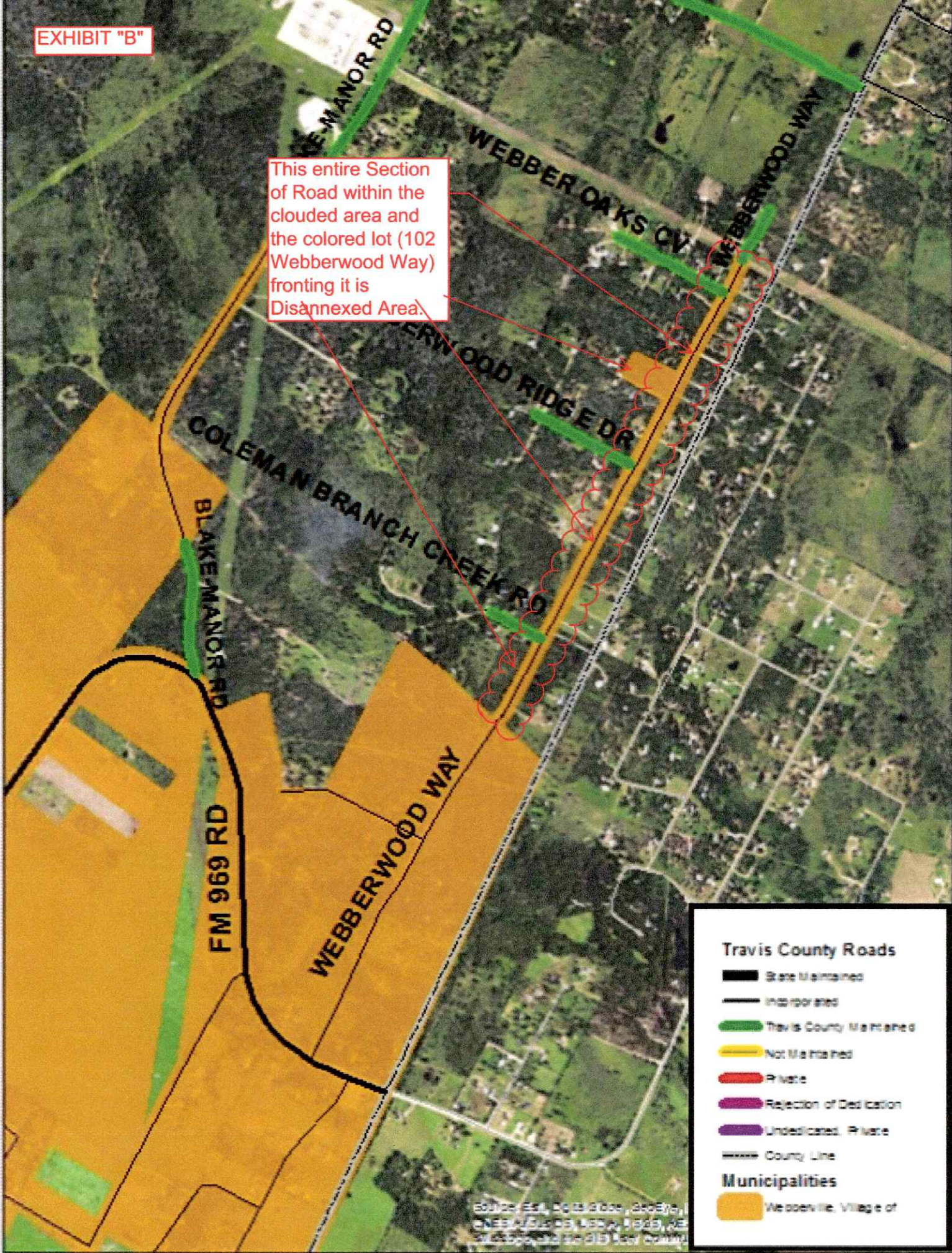
then proceeding across Webberwood Way to the Easterly Right of Way of Webberwood Way and returning to the POINT OF BEGINNING,

which "AREA" comprises approximately 10.3094 acres.

**EXHIBIT "B"**

**TNR MAP MARKED UP TO IDENTIFY THE  
AREA DISCONTINUED AND DISANNEXED  
FROM WITHIN THE CORPORATE LIMITS OF  
THE VILLAGE OF WEBBERVILLE, TEXAS**

This entire Section of Road within the clouded area and the colored lot (102 Webberwood Way) fronting it is Disannexed Area.



**Travis County Roads**

- State Maintained
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Rejection of Dedication
- Undedicated, Private
- County Line

**Municipalities**

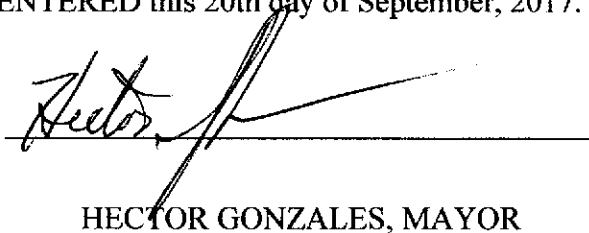
- Webberville, Village of

**EXHIBIT "C"**

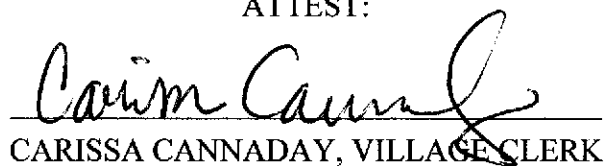
**ORDER DISCONTINUING AND DISANNEXING AREA  
AS PART OF THE VILLAGE OF WEBBERVILLE, TEXAS**

The above and foregoing Ordinance, which discontinues as a part of the Village and disannexes from within the Village's corporate limits the Area described therein, having been passed by the Village Commission of the Village of Webberville, Texas, on the 20th day of September, 2017, it is my Order that the land and territory described in Exhibit "A" attached to said Ordinance be, and the same is hereby ordered discontinued from within the City limits of the Village of Webberville and it is hereby disannexed as of the date of the entry of this Order.

SIGNED AND ORDER ENTERED this 20th day of September, 2017.

  
HECTOR GONZALES, MAYOR

ATTEST:

  
CARISSA CANNADAY, VILLAGE CLERK