



ORDINANCE NO. 2006-52

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER-DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO-WIT: 209.461 ACRES GENERALLY DESCRIBED AS BEING OUT OF THE JOHN KELSEY SURVEY, ABSTRACT NO. 377 AND OUT OF THE THOMAS J. SMITH SURVEY, ABSTRACT NO. 589 IN WILLIAMSON COUNTY, TEXAS, ALL OF SAID PROPERTY BEING FURTHER DESCRIBED BY METES AND BOUNDS, SAID PROPERTY AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO'S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter; and

WHEREAS, pursuant to Section 43.028, Local Government Code, the owners of a tract of land containing 209.461 acres of land out of the John Kelsey Survey, Abstract No. 377 and out of the Thomas J. Smith Survey, Abstract No. 589 in Williamson County, Texas (the "Property"), more fully described in **Exhibit "A"** attached hereto and made a part hereof for all purposes, have petitioned the City Council in writing to annex the Property; and

WHEREAS, such property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside; and

WHEREAS, the petition was filed more than five (5) days and less than thirty (30) days before the City Council heard the petition and the arguments for and against the annexation, and

WHEREAS, the City Council has determined that all requirements of Section 43.028, 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 HUTTO, TEXAS:

I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this Ordinance.

II.

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

III.

That the property described in the attached **Exhibit "A"**, together with all adjacent roadways, be and is hereby annexed and brought within the corporate limits of the City of Hutto, Williamson County, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be and the same are hereby extended to include the above-described territory within the city limits of the City of Hutto, and the same shall hereafter be included within the territorial limits of the City of Hutto, Texas.

IV.

That the owners and present 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 of Hutto, and are hereby bound by all acts, ordinances, resolutions and regulations of the City of Hutto, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

V.

That the official maps and boundaries of the City of Hutto, heretofore adopted and amended, be and are hereby amended so as to include the aforementioned territory as part of the City of Hutto, Texas.

VI.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit "B"**, is hereby approved.

VII.

That the appropriate city official of the City of Hutto 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 the territory hereby annexed, as required by law.

VIII.

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 Williamson County, Texas.

IX.

That this Ordinance shall be come effective after its passage.

X.

If any section, subsection, sentence, phrase, or word of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said properties is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, 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.

XI.

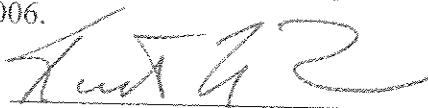
A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

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

C. 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 thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, and APPROVED on first reading on this the 7th day of the month of August, 2006.

READ, PASSED, and ADOPTED on second and final reading on this the 21st day of the month of August, 2006.



Mayor Kenneth L. Love

Date

ATTEST:


Debbie Chelf, City Secretary Date

