



ORDINANCE NO. A 17-04

AN ORDINANCE TO DISANNEX CERTAIN TERRITORY FROM THE CORPORATE LIMITS OF THE CITY OF NOLANVILLE, TO WIT: TWO TRACTS OF LAND WHICH WERE ANNEXED ON JUNE 2, 2016 PURSUANT TO ORDINANCE NO. A 16-06, AND ONE TRACT ANNEXED ON JULY 7, 2016 PURSUANT TO ORDINANCE NO. A 16-07; TO AMEND THE CORPORATE LIMITS OF THE CITY TO COMPLY WITH THE SAID DISANNEXATION; AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL APPROPRIATE AND NECESSARY ACTION TO TERMINATE THE NON-ANNEXATION DEVELOPMENT AGREEMENT EXECUTED ON AUGUST 8, 2016 BY AND BETWEEN THE CITY AND THE OWNERS OF PROPERTY DESCRIBED AS OBJECT ID # 259, PROPERTY ID 237957, AND TO IMPLEMENT THIS ORDINANCE IMMEDIATELY UPON ITS ADOPTION; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; FINDING PROPER NOTICE AND MEETING, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 2, 2016 pursuant to Ordinance No. A 16-06 two tracts of land were annexed into the City of Nolanville, Texas (the "City" or "Nolanville"), to wit: **Tract 1:** Object ID # 254, Property ID 316030, 2.95993438 acres, A0193BC F T Cox, 7-1, Acres 2.735; and **Tract 2:** Object ID # 280, Property ID 371808 0.50293941 acres, A0193BC F T Cox, Acres 0.733, both tracts depicted in Exhibit "A" (map), attached hereto and made a part hereof ; and

WHEREAS, the following segment of Pleasant Hill Cemetery Road ("Roadway"), depicted in attached Exhibit "A" (map), was also annexed into the City on June 2, 2016 pursuant to Ordinance No. A 16-06, to wit: all that portion of the entire Pleasant Hill Cemetery Rd right-of-way contiguous to the city limits, and which is a continuation of that portion of Pleasant Hill Cemetery Rd currently within the city limits, the southern boundary of which begins at the northerly edge of the City of Nolanville's existing city limits at Pleasant Hill Cemetery Road, and which runs continuously to the northern edge of the City's extraterritorial jurisdiction for its northern boundary; and

WHEREAS, on July 7, 2016 pursuant to Ordinance No. A 16-07 a tract of land was annexed into the City of Nolanville, Texas (the "City" or "Nolanville"), to wit: **Tract 3:** Object ID # 337, Property ID 237958, 6.47891091 acres, A0193BC F T Cox, 7-1, Acres 6.498, depicted in attached Exhibit "A" (map); and

WHEREAS, Sec. 43.142 of the Texas Local Government Code authorizes the City as a Home-Rule City to disannex an area in the municipality according to rules as may be provided by its municipal charter and not inconsistent with the procedural rules prescribed by Chapter 43 of the Texas Local Government Code; and

WHEREAS, Article II, Section 2.03 of the City's Charter provides for the disannexation of any area pursuant to any procedure allowed under state law, after notice and a public hearing, whenever it is the opinion of the City Council that such area is not suitable or necessary for City purposes; and

WHEREAS, the City Council of the City of Nolanville, Texas ("City Council") has investigated and determined that Tracts 1 & 2, and Tract 3 qualify for disannexation under Sec. 43.142 of the Texas Local Government Code and Article II, Section 2.03 of the City Charter, and it finds that Tract 1, Tract 2, and Tract 3 are not suitable or necessary for City purposes; and

WHEREAS, a public hearing, as required by Article II, Section 2.03 of the City's Charter, properly noticed by publication, was held on April 6, 2017 before the City Council of the City of Nolanville; and

WHEREAS, the applicable procedures prescribed under Chapter 43 of the Texas Local Government Code, the City Charter of the City of Nolanville, Texas and the laws of this state have been duly followed with respect to Tracts 1, 2 and 3; and

WHEREAS, a non-annexation development agreement for property, to wit: **Tract 4**: Object ID # 259, Property ID 237957, 8.17767639 acres, A0193BC F T Cox, VLB C/S 780-156305, Acres 8.205, depicted in Exhibit "A" (map), was executed on August 8, 2016 by and between the City and the property owners, which agreement was premised on the City's desire to annex the subject property and on the property owners' desire to be exempted from annexation; and

WHEREAS, the contemplated annexations which undergirded the aforementioned non-annexation development agreement shall no longer prevail after this ordinance's disannexations become effective, and the City and owner have agreed that said agreement should be terminated,

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

SECTION 1. The aforementioned Tracts 1, 2, and 3 are hereby disannexed from the City of Nolanville, Bell County, Texas, and they are no longer a part thereof.

SECTION 2. The inhabitants of the area which is hereby disannexed shall hereinafter not be entitled to any of the rights and privileges of other citizens of the City of Nolanville and they shall not be bound by the acts, ordinances, resolutions, and regulations of the City, except to the extent they may have been so bound prior to the annexation that took effect on June 2, 2016 pursuant to Ordinance No. A 16-06. The Service Plan adopted by Ordinance No. A 16-06 shall have no effect in or applicability to the area hereby disannexed.

SECTION 3. The City Manager is hereby authorized and directed to take all appropriate and necessary action to terminate the non-annexation development agreement that was executed on August 8, 2016 by and between the City and the owners of Tract 4 (Object ID # 259, Property ID 237957).

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 6. The corporate limits of the City are hereby amended to comply with the disannexation described in this Ordinance. The official map and boundaries of the City are hereby amended and revised so as to exclude the area hereby disannexed.

SECTION 7. The City Manager is hereby authorized and directed to implement this Ordinance immediately upon its adoption, and take any proper and necessary steps to effectuate its intent and purposes and to amend the official City maps to reflect the changes made by this Ordinance.

SECTION 8. The City Secretary is hereby directed to file with the County Clerk of Bell County, Texas, a certified copy of this Ordinance, and is hereby instructed to include this Ordinance in the records of the City.

SECTION 9. It is hereby officially found and determined that the meeting at which this Ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of the meeting was given as required by law.

SECTION 10: This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this the 6th day of April, 2017, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Nolanville, Texas.

APPROVED:



Christina Rosenthal, Mayor

ATTEST:



Crystal Briggs, City Secretary

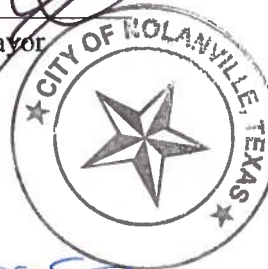


Exhibit "A"

