

06ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF DEER PARK, TEXAS, TO ANNEX A 37.0002 ACRE TRACT WITHIN THE CITY'S EXTRA TERRITORIAL JURISDICTION WITHIN SUCH BOUNDARIES, UPON WRITTEN REQUEST BY THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS AND OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING SAVING, SEVERABILITY CLAUSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

Section 1. The City of Deer Park has heretofore adopted a Home Rule Charter granting the City Council the power by Ordinance to fix the boundary limits of the City of Deer Park and to provide for the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City. This annexation proceeding is conducted pursuant to the authority granted by said Home Rule Charter; Chapter 43.028, Texas Local Government Code, including, but not limited to, the authority to annex an 37.0002 acre tract of land upon land owners petition by a home-rule municipality, contained in Chapter 43.028 of the Texas Local Government Code.

Section 2. The City Council of the City of Deer Park hereby finds, determines and declares that the hereinafter territory described herein as Exhibit "A" adjacent and contiguous to the present city limits of the City of Deer Park, and that said territory lies within the exclusive extraterritorial jurisdiction of the City of Deer Park, that the City has officially accepted the land owners petition to be annexed by the City, and that the annexation of said territory to the City of Deer Park will promote the general health, safety and welfare of persons residing within the City and within the hereinafter described territory.

Section 3. The City Council of the City of Deer Park and the property owners have entered into a service plan agreement per state statute that provides for the extension of municipal services to the area comprising part of the Deer Park Industrial District, as described in Exhibit "A" attached hereto, proposed to be annexed by the City of Deer Park.

The City Council of the City of Deer Park has heretofore, on February 5, 2019, passed and approved Ordinance No. 4050, declaring its acceptance of land owners petition requesting annexation and

its intention to institute proceedings to annex the hereinafter described territory, comprising the 37.0002 acre tract. Two public hearings were called, and were held on March 5, 2019, at the City Council Chambers, City Hall, 710 East San Augustine, Deer Park, Texas, and on April 2, 2019, at the City Council Chambers, City Hall of the City of Deer Park, at which public hearings all interested parties were given an opportunity to be heard, and the proposed Service Plan was made available for public inspection. Notice of such public hearings was given by publication in the Deer Park Broadcaster on February 13, 2019 and March 13, 2019, said newspaper having general circulation in the City of Deer Park and in the territory proposed to be annexed. Such notices and hearings were all in conformity with the Municipal Annexation Act, codified as Chapter 43, Texas Local Government Code, as amended.

Section 4. The City Council of the City of Deer Park hereby institutes annexation proceedings as to the following described territory, and the same is hereby declared annexed to the City of Deer Park, Texas, and the boundary limits of the City of Deer Park, Texas, be, and the same are hereby, extended to include the following described territory within the City limits of the City of Deer Park, and the same shall hereafter be included within the territorial limits of the City of Deer Park, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Deer Park, and they shall be bound by the acts, ordinances, resolutions and regulations of the City of Deer Park, effective upon the completion date of this annexation proceeding.

Section 5. Subject to all sections of this Ordinance, the corporate limits of the City of Deer Park, Texas, are hereby extended to embrace and include all of the territory within the boundaries set out in Exhibit "A", which exhibit is attached hereto, incorporated herein by this reference and made a part hereof for all purposes, and such territory is hereby annexed to and made a part of the City of Deer Park, Texas for general purposes.

Section 6. An Agreed Service Plan for the territory within the boundaries set out in Exhibit "A" is hereby approved as part of this Ordinance. Such Service Plan is set out in Exhibit "B", which is attached hereto, incorporated herein by this reference and made a part hereof for all purposes.

Section 7. This Ordinance shall not repeal, impair, modify or in anywise affect any other Ordinance annexing territory to the City of Deer Park, or any other Ordinance heretofore passed on one or more readings and not yet passed on final reading, annexing any territory to the City of Deer Park, but such other Ordinance or Ordinances shall remain and continue to be effective to their intent and purpose as therein stated, wholly unaffected in any way or manner by the passage of this Ordinance. This Ordinance shall not in anywise be impaired or affected by any other Ordinance heretofore introduced or passed on any reading, whether final or not; nor shall it be affected by any other Ordinance which may hereafter be introduced or passed on one or more readings, pending the final passage of this Ordinance, and this Ordinance shall be effective to its intent and purpose as hereinabove stated, wholly unaffected by any other annexation Ordinance introduced and passed or hereafter introduced and passed on any reading, whether final or not final, annexing territory to the City of Deer Park, and wholly unaffected by any Ordinance heretofore or hereafter passed calling a hearing and giving notice relative to the institution of any annexation proceedings. The procedure initiated hereby and the annexation proceedings instituted hereunder shall be independent of any other proposed and pending annexation of such territory, and such other proceedings shall not be affected hereby.

Section 8. It is the intention of the City of Deer Park, Texas, and its City Council to comply with all applicable provisions of the City Charter and of the Constitution and Laws of the Federal Government of the United States of America and the State of Texas, and this Ordinance shall be interpreted and construed in harmony therewith.

Section 9. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, of the Government Code of the State of Texas; and that this meeting has been open to the public as required by law at all times during which this Ordinance

and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2019 **by a vote of** _____ **“Ayes” and** _____ **“Noes”.**

CITY OF DEER PARK

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney