

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 09-11-17A

**ANNEXATION OF BAY WEST BOULEVARD ROW, ADJACENT TRACTS R, S, T,
AND U OF HORSESHOE BAY WEST PLAT NO. 1.2 AND FM 2147 WEST ROW FROM
BAY WEST BOULEVARD WEST TO EXISTING CITY LIMITS**

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF PROPERTY THAT IS DESCRIBED AS BAY WEST BOULEVARD RIGHT-OF-WAY FROM HIGHWAY 2147 NORTH TO THE CURRENT CITY LIMITS OWNED BY THE CITY OF HORSESHOE BAY, TRACTS R, S, T, AND U OF HORSESHOE BAY WEST PLAT NO. 1.2 OWNED BY LAKE LBJ INVESTMENT CORPORATION, AND FM 2147 WEST RIGHT-OF-WAY FROM BAY WEST BOULEVARD WEST TO THE EXISTING CITY LIMITS OWNED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, INTO THE CITY OF HORSESHOE BAY, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR ZONING OF SUCH PROPERTY IN ACCORDANCE WITH THE CITY'S ZONING ORDINANCE, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Horseshoe Bay, Texas is a home rule municipality as defined by the Texas Local Government Code; and

WHEREAS, Chapter 43 of the Texas Local Government Code, V.T.C.A., authorizes municipalities to annex adjacent territory in accordance with the procedures provided for therein; and

WHEREAS, the City received a petition for annexation from the owners of certain tracts of land as described hereafter; and

WHEREAS, notice of the appropriate public hearings was published in a newspaper having general circulation in the City of Horseshoe Bay, Texas and the public hearings were conducted and held in accordance with applicable law; and

WHEREAS, the City of Horseshoe Bay, Texas prepared a service plan for the extension of municipal services into the areas legally described as Bay West Boulevard Right-of-Way from Highway 2147 north to the current City Limits owned by the City of Horseshoe Bay, Tracts R, S, T, and U of Horseshoe Bay West Plat No. 1.2 owned by Lake LBJ Investment Corporation, and FM 2147 West Right-of-Way from Bay West Boulevard west to the existing City Limits, to be annexed, said service plan being attached hereto as Exhibit “B” and incorporated herein for all purposes;

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

I. ANNEXATION

That the hereinafter described tracts of land are within the extraterritorial jurisdiction of, and are adjacent to and contiguous to the present corporate limits of the City of Horseshoe Bay, Texas, be, and the same are hereby annexed to the City of Horseshoe Bay, Texas for all municipal purposes and the corporate lines and limits of the City of Horseshoe Bay, Texas are hereby extended to embrace the said tracts of land, which are more particularly described and attached hereto as follows:

ANNEXATION AREAS

The areas legally described as Bay West Boulevard Right-of-Way from Highway 2147 north to the current City Limits owned by the City of Horseshoe Bay, Tracts R, S, T, and U of Horseshoe Bay West Plat No. 1.2 owned By Lake LBJ Investment Corporation, and FM 2147 West Right-of-Way from Bay West Boulevard west to the existing City Limits. A map of these areas is shown on Exhibit “A”.

II. RIGHTS AND PRIVILEGES

That the inhabitants, if any, of the properties hereby annexed to the City of Horseshoe Bay, Texas shall be entitled to all the rights and privileges of said citizens of the City of Horseshoe Bay, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Horseshoe Bay, Texas.

III. SERVICE PLAN

That Service Plan which is attached hereto as Exhibit “B” has been approved and is hereby incorporated herein as part of this Ordinance for all purposes.

IV. ZONING

That pursuant to the provisions of the City’s Zoning Ordinance, that Bay West Boulevard and FM 2147 areas annexed are not zoned, that Tracts S & T of Horseshoe Bay West Plat No. 1.2 hereby annexed shall be zoned A-1 Recreational, and that Tracts R & U of Horseshoe Bay West Plat No. 1.2

shall be zoned C-2 General Commercial.

V. MAP AND BOUNDARIES AMENDED

That the official map and boundaries of the City of Horseshoe Bay, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned territories as part of the City of Horseshoe Bay, Texas.

VI. CORRECTION OF OFFICIAL MAP

That the Development Services Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City of Horseshoe Bay, Texas to add the territory hereby annexed as required by law.

VII. EFFECTIVE DATE

That this Ordinance shall become effective after its passage.

VIII. STAFF DIRECTIVES

That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk, and to perform all other acts necessary to notify the appropriate entities of the City's annexation of territory by this Ordinance.

IX. SEVERABILITY

If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City of Horseshoe Bay, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, 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 as to this end the provisions of this Ordinance are declared to be severable.

X. PROPER NOTICE AND MEETING

That the meeting at which this Ordinance was enacted was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

EXHIBIT A

Map

EXHIBIT B

Annexation Service Plan