

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF 56.66 ACRES OF MORE OR LESS, AS PETITIONED BY THE PROPERTY OWNERS, SAID ACREAGE LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF PENITAS TEXAS; PROVIDING FOR THE EXTENSION OF THE CITY'S BOUNDARIES AND EXTRATERRITORIAL JURISDICTION; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY CLAUSE AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

WHEREAS, on July 3, 2001, the Mayor and the Board of Aldermen accepted a Petition for voluntary annexation from the property owner to tracts of land, said tracts described herein as Exhibit "A" proposed to be annexed by the City of Penitas; and Section 42.024 of Texas Local Government Code provides for an alternate to the standard annexation proceedings where the property owners petition for annexation; and

WHEREAS, the Board of Aldermen in the adoption of this Ordinance finds that the Petition for Annexation has been properly filed under 43.024 and that the property to be annexed is one-half mile or less in width, is contiguous to the city limits to the City of Penitas, and has less than three qualified voters, and is otherwise subject to the annexation by the City of Penitas; and

WHEREAS, Section 42.024 of the Texas Local Government Code provides that where a majority of the land owners within an area petitions the governing body of the municipality for annexation, on the receipt of the certified affidavit the Board of Aldermen by ordinance may annex the area; and

WHEREAS, the Board of Aldermen finds that the Petition for Annexation has been on file with the City of Penitas for the prerequisite amount of time as provided by state law and in accordance with the provisions of Section 43.024 of the Texas Local Government Code;

NOW, IT IS, THEREFORE, ORDAINED by the Board of Aldermen of the City of Penitas as follows:

1. The following described land and territory adjacent to and adjoining the City of Penitas, Texas is hereby added and annexed to the City of Penitas Texas, and the property herein described shall be included within the boundary limits of such city, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described are altered and amended so as to include such area within the corporate limits of the City of Penitas.

Description of the property to be annexed is as follows, to wit:

The 52.66 acres known as Tract 2A out of the East 1/3 of Porcion 77 identified by the Hidalgo County Appraisal District as tract #10077-00-02A-0000-00. Also ten, 5 acre tracts in Homeville Association Subdivision "A" lots 211 thru 220 #H4250-01-000-0211-00 thru #0220, and two, 10 acre tracts: lots 1 and 2 of Block 2, Homeville Association Subdivision "D", per the Plat and Records of the Hidalgo County, Texas.

SERVICE PLANS FOR THE ABOVE TRACTS HAVE NOT BEEN PREPARED AND ARE NOT REQUIRED UNDER THE provisions of 43.024 or any Ordinance of the City of Penitas. Furthermore, that the Annexation procedures hereintofore adopted by the City of Penitas are, in this instance, waived by the adoption of this Ordinance and a resolution for service plan is not required for such subdivisions, as the subdivision is being annexed under the provisions of Section 43.024 of the Texas Local Government Code;

3. The herein above described property and the area annexed shall be part of the City Penitas, Texas and the property so added shall bear its Pro Rata Share of the taxes levied by the City of Penitas, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of the citizens of the City of Penitas, Texas, in areas having similar characteristics of topography, land utilization and population density, and shall be bound by the acts, ordinances, resolutions and regulations of the City of Penitas Texas.
4. The zoning of the herein above described property shall be determined and ordained by the Board of Aldermen of the City of Penitas, Texas by an Ordinance effective subsequent in time to the time of the final adoption of this Ordinance.
5. The extraterritorial jurisdiction of the City of Penitas shall expand and conformity with this annexation and shall comprise an area around the corporate limits of the city, consistent with State law.
6. In computing the total amount of territory that the City of Penitas may annex in the year 2001, the fifty-six plus acres herein annexed are being annexed at the request of the respective owners of said properties.
7. Upon annexation of the hereinafter described property, the acreage within the City of Penitas after annexation will be increased in an amount which does not exceed the statutory limitations set out in Chapter 43 of the Texas Local Government Code.
8. Upon adoption of this Ordinance, the city secretary of the City of Penitas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance, including the general description of the property annexed to be published in a newspaper having general circulation in Penitas, Hidalgo County, Texas and in the territory annexed hereinabove.
9. The city secretary is hereby directed to correct the city maps in the office of the city secretary and city engineers so as to add thereto the additional territory, including on the maps the date of annexation, the number of this Ordinance and a reference to the Ordinance

of competent jurisdiction, or if any tract of land or portion of any tract of the land herein annexed shall be held to be ineligible for annexation or wrongfully annexed, the remaining portion of this Ordinance and the remaining tracts so annexed shall be considered severable and shall remain in full force and affect.

11. In accomplishing the annexation of the territory annexed by this Ordinance, the City of Penitas has strictly followed the provisions of the State law and the cases as they apply to annexations and any possible deviation from special provisions was unintentional and not material to the accomplishment of this annexation.

CONSIDERED AND APPROVED AND EFFECTIVE ON THIS THE _____ day of August 2001 at a REGULAR MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF PENITAS, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Local Government Code.

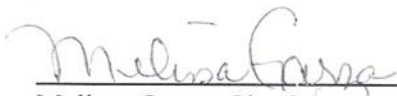
EXECUTED THIS 7th DAY OF AUGUST 2001.

CITY OF PENITAS



Mayor Servando Ramirez

ATTEST:



Melissa Garza; City Secretary

APPROVED AS TO FORM:



COUNTY OF HIDALGO

CITY OF PENITAS

PETITION OF ANNEXATION

To the Honorable Mayor and Board of Aldermen of the City of Penitas, Hidalgo County, Texas:

The undersigned, are the owners of land or the representatives of the majority of the land owners and hereby petition the Board of Aldermen of the City of Penitas to annex certain property hereby described by metes and bounds as follows, to wit:

The 52.66 acres known as Tract 2A out of the East 1/3 of Porcion 77 identified by the Hidalgo County Appraisal District as tract #10077-00-02A-0000-00. Also ten , 5 acre tracts in Homeville Association Subdivision "A" lots 211 thru 220 #H4250-01-000-0211-00 thru #0220, and two, 10 acre tracts: lots 1 and 2 of Block 2, Homeville Association Subdivision "D".


These tracts, parcels or real estate adjoins the present Penitas City limits.

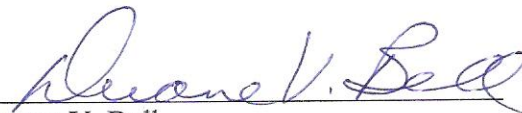
STATE OF TEXAS

COUNTY OF HIDALGO

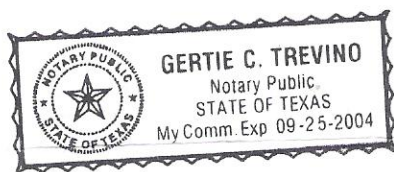
Before me, the undersigned authority, on this day appeared Gerald E, Bell and Duane V. Bell, who state upon their oath the following:

My name is Gerald E. Bell and Duane V. Bell, and I/we are the owners of the real property or the representative of the majority of the landowners of said real property mention above. Gerald E. Bell is the only resident and qualified voter in the area to be annexed.


Gerald E. Bell


Duane V. Bell

SWORN TO and subscribed before me on this 2nd day of July, 2001.




NOTARY PUBLIC, STATE OF TEXAS