

County of Hidalgo § § §
City Of Peñitas § § §

2175257

ORDINANCE 2007-04

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 26 ACRES OF MORE OR LESS, AS PETITIONED BY THE PROPERTY OWNER, SAID ACREAGE LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF PEÑITAS 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 October 24, 2007, the Mayor and the Board of Aldermen accepted a Petition for voluntary annexation from the property owner to a tract of land, said tract described herein as Exhibit "A" proposed to be annexed by the City of Peñitas; 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 Peñitas, and has less than three qualified voters, and is otherwise subject to the annexation by the City of Peñitas; and

WHEREAS, Section 43.024 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 Peñitas 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 Peñitas as follows:

1. The following described land and territory adjacent to and adjoining the City of Peñitas, Texas is hereby added and annexed to the City of Peñitas 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 Peñitas.

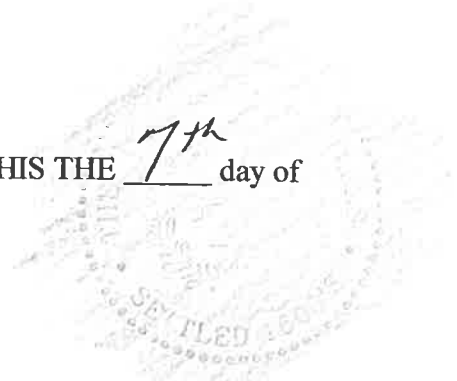
Description of the property to be annexed is as follows, to wit:

Tract I-
Tract 324 Los Ejidos de Reynosa

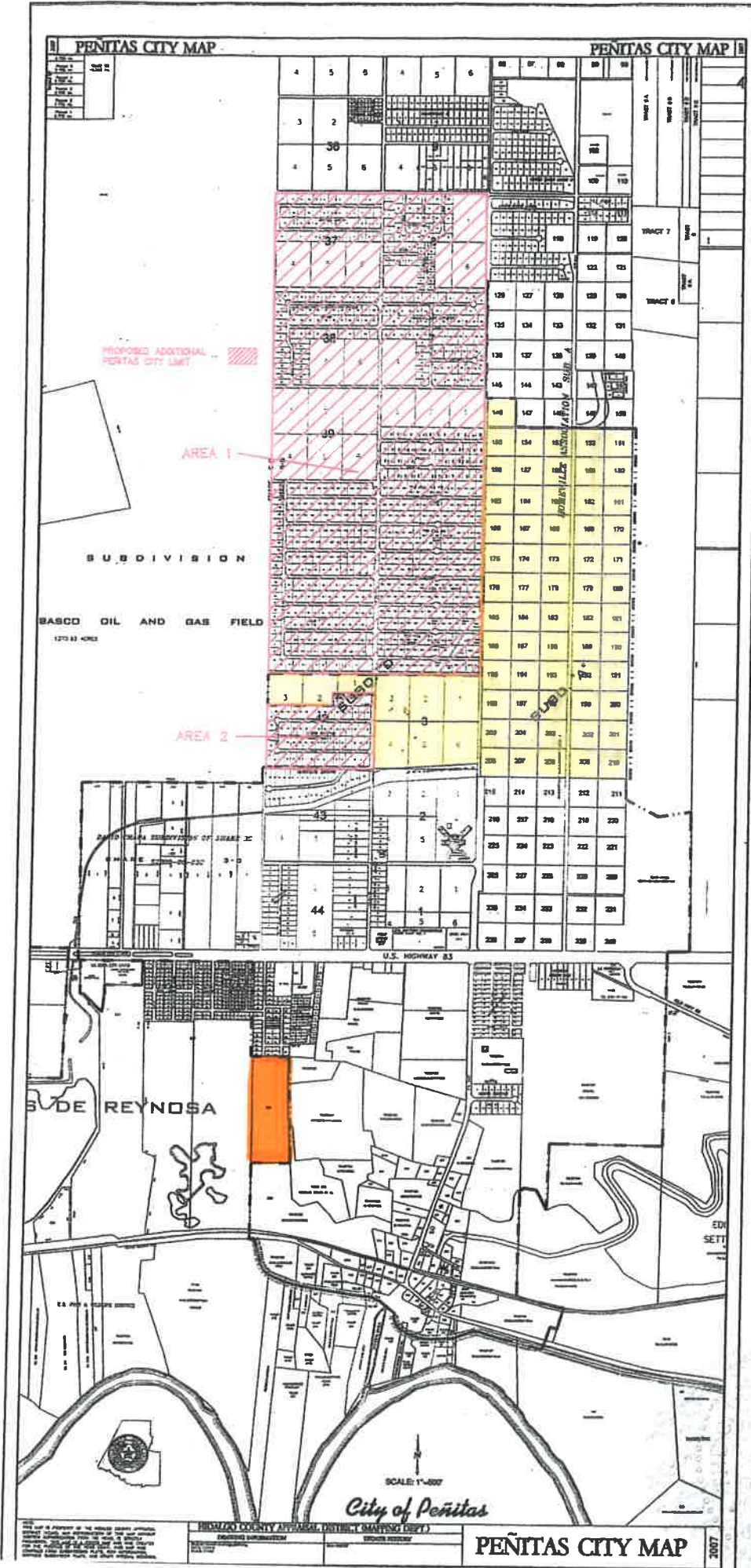
2. Service plans for the above tracts have not been prepared and are not required under the provisions of 43.024 or any Ordinance of the City of Peñitas. Furthermore, that the Annexation procedures hereintofore adopted by the City of Peñitas are, in this instance, waived by the adoption of this Ordinance 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 Peñitas, Texas and the property so added shall bear its Pro Rata Share of the taxes levied by the City of Peñitas, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of the citizens of the City of Peñitas, 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 Peñitas Texas.
4. The zoning of the herein above described property shall be determined and ordained by the Board of Aldermen of the City of Peñitas, 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 Peñitas 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 Peñitas may annex in the year 2007, the twenty-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 Peñitas 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 Peñitas 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 Peñitas, Hidalgo County, Texas and in the territory annexed herein above.
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 records of the City of Peñitas where this Ordinance is recorded in full. Further, the city secretary is directed to cause this Ordinance to be filed with Hidalgo County Clerk and Hidalgo County Appraisal District and any other authority required by law to receive a copy hereof.
10. If any part, phrase or sentence of this Ordinance is held void or unconstitutional by a Court 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 Peñitas 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 7th day of



Ord.#
2007-04



FILED

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, TX 78540



70 2011 02175257

Instrument Number: 2011-2175257

Recorded On: January 31, 2011

As
Recording

Parties:

To

Billable Pages: 5

Number of Pages: 6

Comment: ORDINANCE 2007-04

**** Examined and Charged as Follows: ****

Recording	32.00
Total Recording:	32.00

***** **THIS PAGE IS PART OF THE INSTRUMENT** *****
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2011-2175257
Receipt Number: 1173250
Recorded Date/Time: January 31, 2011 04:31P

Record and Return To:

CITY OF PENITAS
PO BOX 204
PENITAS TX 78576-0204

User / Station: A Uresti - Cash Station 03



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas

Arturo Guajardo Jr.
County Clerk
Hidalgo County, TX

§ STATE OF TEXAS
§ COUNTY OF HIDALGO
§ CITY OF PEÑITAS

PETITION FOR ANNEXATION

To the Honorable Mayor and Board of Alderman of the City of Peñitas, Hidalgo County, Texas:

The undersigned is the owner/owners of the land or representative of the majority of the land owners and hereby petition the Board of Alderman of the City of Peñitas to annex certain property hereby described.

These tracts, parcels or real estate adjoins the present Peñitas City Limits.

BY: Gloria A. Cantu Longoria
Back part of Colonia Camargo
ADDRESS: Lot 324 Los Ejidos de Peñitas
508 S. 11th St. 507 S. 12th St.

§ STATE OF TEXAS
§ COUNTY OF HIDALGO
§ CITY OF PEÑITAS

Peñitas, TX 78576 Peñitas, TX 78576
Southwest entrance Southeast entrance

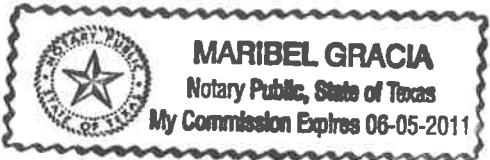
Before me, the undersigned authority, on this day appeared Gloria A. Cantu Longoria, who states upon oath the following:

My name is Gloria A. Cantu Longoria, and I/We the owners of the real property or the representative of the majority of the landowners of said property mentioned above.

Further affiant saith not.

Gloria A. Cantu Longoria

SWORN TO and subscribed before me on this the 3rd day of October, 2007.



Maribel Gracia
Notary Public in and for the State of Texas

OXFORD & GONZALEZ

ATTORNEYS AT LAW

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Of Counsel
WILLIAM J. McCARTHY

F A C S I M I L E

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Name: ANA Valdez

Organization: City of Pecos

Fax: 581-3346

Phone: 581-3345

From: Ric Gonzalez

Date: 4-12-13

Subject: Pre claim of Amuratio

Pages (including cover page): 2

COMMENTS: Keep this letter with copies of the Ordinance referred in this letter in the minute books of City.

If you did not receive all of the pages, please call us as soon as possible at 383-5654.

Facsimile Operator:

Client:

Original will follow:

Original will not follow: X



U.S. Department of Justice
Civil Rights Division

TCH:RSB:RPL:JP:par
DJ 166-012-3
2013-0037
2013-0489

*Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

April 8, 2013

Ricardo González, Esq.
Oxford & González
P.O. Drawer 630
Edinburg, Texas 78539-78540

Dear Mr. González:

This refers to eight annexations (Ordinance Nos. 2001-04, 2004-03, 2007-04, 2009-03, 2009-07, 2009-14, 2012-001, and 2012-008) to the City of Peñitas in Hidalgo County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submissions on January 8 and February 21, 2013; additional information was received on March 19, 2013.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Christian Herren, Jr.", written over a horizontal line.

T. Christian Herren, Jr.
Chief, Voting Section