

County of Hidalgo       §       §       §

City Of Peñitas         §       §       §

**ORDINANCE 2007-02**

**AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF 660.00 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 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 February 12, 2007, 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 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

A tract of land containing 615.08 acres of land, more or less, and being more particularly described as follows:

Beginning at a point the northwest corner hereof;

Thence, East a distance of 3412.37 feet to the northeast corner hereof;

Thence, South a distance of 7851.66 feet to the southeast corner hereof;

Thence, West a distance of 3412.37 feet to the southwest corner hereof;

Thence, North a distance of 7851.66 feet to the point of beginning and containing 615.08 acres of land, more or less.

Tract II

A tract of land containing 44.43 acres of land, more or less, and being more particularly described as follows:

Beginning at a point the northwest corner hereof;

Thence, East a distance of 1042.40 feet to an interior corner hereof;

Thence, North a distance of 204.91 feet to an exterior corner hereof;

Thence, East a distance of 681.03 feet to the northeast corner hereof;

Thence, South a distance of 1246.80 feet to the southeast corner hereof;

Thence, West a distance of 1723.43 feet to the southwest corner hereof;

Thence, North a distance of 1041.89 feet to the point of beginning and containing 44.43 acres of land, more or less.

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.

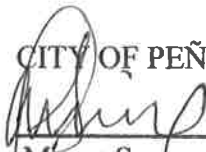
4. The zoning of the herein above described property shall be determined and ordained by the Board of Aldermen of the City of Peñitas, Texas by an Ordinance effective subsequent in time to the time of the final adoption of this Ordinance.
5. The extraterritorial jurisdiction of the City of Peñitas shall 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 six hundred and sixty-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 16<sup>th</sup> day of July 2007 at a REGULAR MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF PEÑITAS, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Local Government Code.

EXECUTED THIS 16<sup>th</sup> DAY OF JULY 2007.

CITY OF PEÑITAS  
  
\_\_\_\_\_  
Mayor Servando Ramirez

ATTEST:

  
\_\_\_\_\_  
Dina Garcia, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Ricardo Gonzalez, City Attorney

# AREA 1

## EXHIBIT OF 615.08 ACRES

**A TRACT OF LAND CONTAINING 615.08 ACRES OF LAND**, more or less, and being more particularly described as follows:

Beginning at a point the northwest corner hereof;

Thence, East a distance of 3412.37 feet to the northeast corner hereof;

Thence, South a distance of 7851.66 feet to the southeast corner hereof;

Thence, West a distance of 3412.37 feet to the southwest corner hereof;

Thence, North a distance of 7851.66 feet to the point of beginning and containing 615.08 acres of land, more or less.

## AREA 2

### EXHIBIT OF 44.43 ACRES

**A TRACT OF LAND CONTAINING 44.43 ACRES OF LAND**, more or less, and being more particularly described as follows:

Beginning at a point the northwest corner hereof;

Thence, East a distance of 1042.40 feet to an interior corner hereof;

Thence, North a distance of 204.91 feet to an exterior corner hereof;

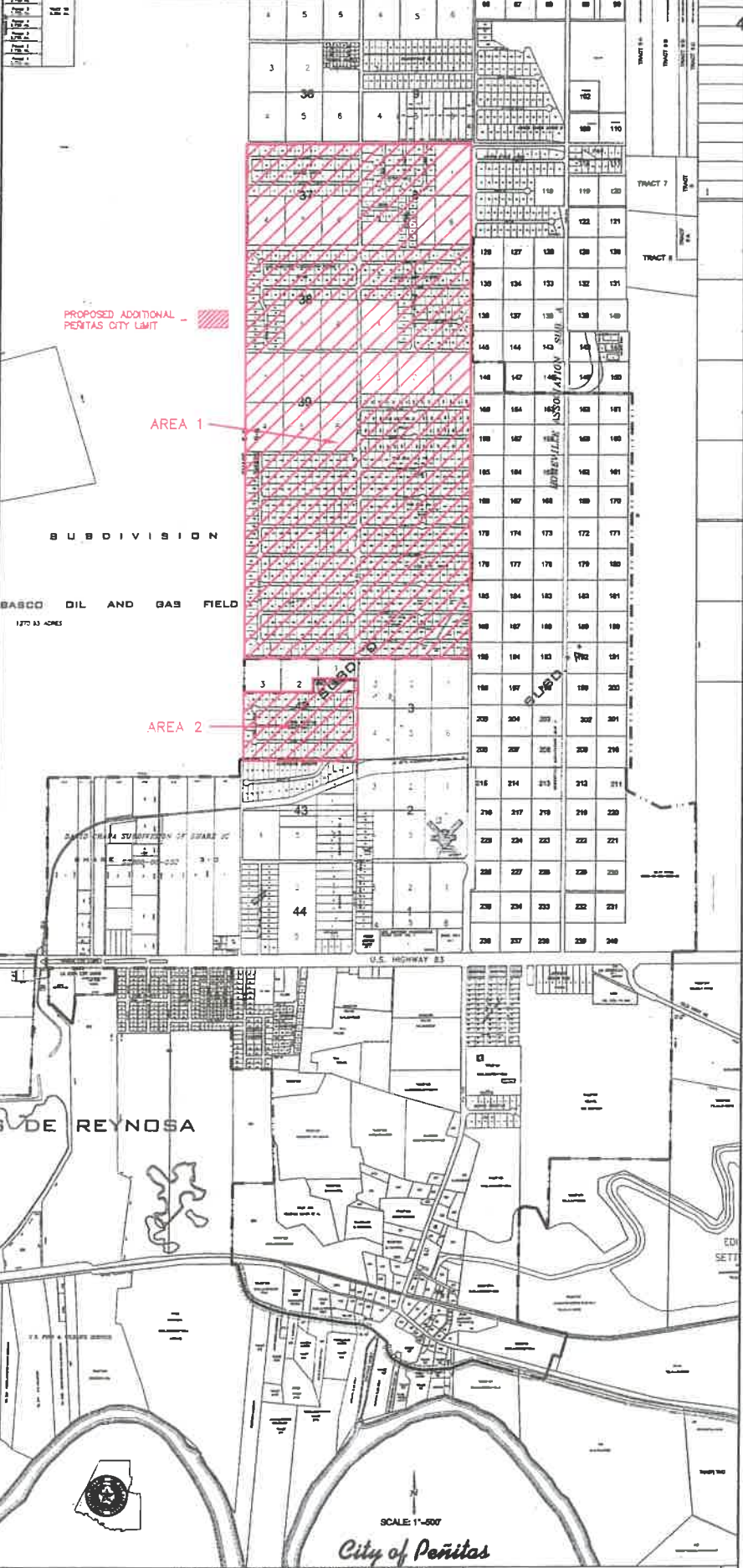
Thence, East a distance of 681.03 feet to the northeast corner hereof;

Thence, South a distance of 1246.80 feet to the southeast corner hereof;

Thence, West a distance of 1723.43 feet to the southwest corner hereof;

Thence, North a distance of 1041.89 feet to the point of beginning and containing 44.43 acres of land, more or less.

Page 1
Page 2
Page 3
Page 4
Page 5



THIS MAP IS PROPERTY OF THE BUREAU OF COUNTY APRAISAL DISTRICT AND IS LOANED TO YOU FOR YOUR INFORMATION ONLY. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY VIOLATION OF THIS NOTICE IS A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA.

BUREAU OF COUNTY APRAISAL DISTRICT  
 1100 W. 11TH STREET  
 DENVER, CO 80202

# **City of Peñitas**

## **Annexation Service Plan**

This service plan is for the approximately 660 acres being annexed by Ordinance 07-02 as shown on the attached exhibit map and metes and bounds description.

**WATER** The areas to be annexed are presently serviced for water by the La Joya Water Supply Corporation as is all of the City of Peñitas. If in the future the City of Peñitas gets a CCN and is legally able to provide water service to the City, these newly annexed areas will be included and receive the same level of service as the rest of the city.

**SEWER** All of the City of Peñitas is presently serviced for sewer with OSSF (On Site Sewer Facilities- Septic Tanks). However the city is in the process of developing Sanitary Sewer Facilities and will include the newly annexed areas so that the level of service is the same as for the rest of the city.

**POLICE** The areas proposed for annexation will be added to our regular patrol routes immediately upon annexation of the area. All of the newly annexed areas will receive the same level of service as the rest of the city.

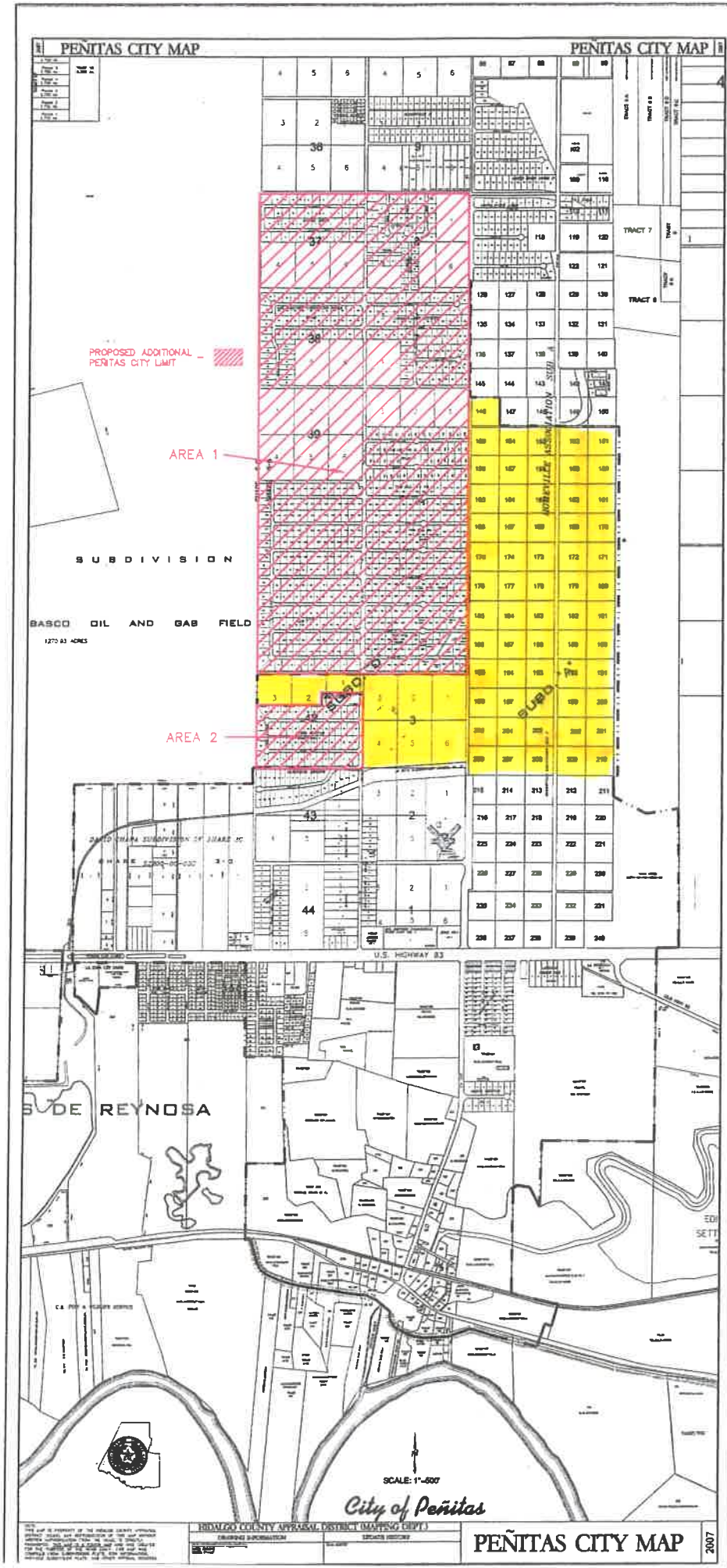
**FIRE** The City of Peñitas is currently provided fire protection services through an inter-local agreement that provides services by the La Joya Volunteer Fire Department or the Palmview Volunteer Fire Department. The newly annexed areas will receive the same level of service as the rest of the City. In the event that the City of Peñitas develops its own Fire Department, the services provided will include the newly annexed areas at the same level of service.

**GARBAGE** Citizens of the City of Peñitas currently contract for their own garbage service from a variety of local service providers. Residents of the newly annexed areas will have the same rights. However if in the future the City of Peñitas enters into a contract for exclusive services with a service provider or decides to provide the services directly, the newly annexed areas will be included and receive the same level of service as the rest of the city.

**OTHER** Any service provided by the City of Peñitas, such as mosquito spraying, permits, inspections, etc. will be provided to the newly annexed areas at the same level, cost and frequency as the rest of the city.



Ord. #  
2007-02



To the Mayor and Governing Body,

City of Penitas, Texas

Greetings:

We, the majority of the inhabitants and qualified voters of the following described territory, which adjoins the city limits and is not more than one-half mile in width, hereby petition your honorable body to extend the present city limits as to include, to wit:

(describe the territory covered by the petition by metes and bounds)

We, and each of us, are inhabitants of the above described territory and are qualified to vote, and have expressed our choice and vote by affixing our signatures to this affidavit on behalf of the qualified voters in the area described above.

THE STATE OF TEXAS

COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared,

M<sup>a</sup> Yazmin Tavoroz, Oscar Estremera,

M<sup>a</sup> Yazmin Tavoroz, well known to me, who being duly sworn, depose and say that they, and each of them are inhabitants of the territory described in the attached petition and qualified to vote, that each inhabitant of said territory who is qualified to vote has had notice of and an opportunity to vote his choice in the matter of annexing said territory to the City of Penitas, Texas; and that a majority of those qualified to vote have voted in favor of becoming part of said City.

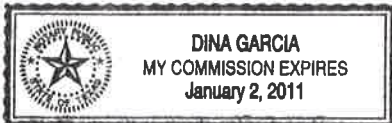
Signed: M<sup>a</sup> Yazmin Tavoroz

Signed: Oscar Estremera

Signed: M<sup>a</sup> Yazmin Tavoroz

Sworn to and subscribed before me this 12 day of February, 2008.

Dina Garcia  
Notary Public in and for Hidalgo County, Texas



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



70 2007 01784866

Instrument Number: 2007-1784866

As  
Recording

Recorded On: July 20, 2007

Parties:

To

Billable Pages: 7

Number of Pages: 8

Comment: ORDINANCE

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

Recording	40.00
<b>Total Recording:</b>	<b>40.00</b>

\*\*\*\*\***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: 2007-1784866  
Receipt Number: 877416  
Recorded Date/Time: July 20, 2007 12:41P

**Record and Return To:**

CITY OF PENITAS  
PO BOX 204  
PENITAS TX 78576

User / Station: E Castillo - Cash Station 04



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