

County of Hidalgo        §    §    §

City Of Peñitas            §    §    §

***ORDINANCE 2012-001***

**AN ORDINANCE PROVIDING FOR THE VOLUNTARY PETITION REQUESTING ANNEXATION OF CERTAIN REAL PROPERTY PRESENTLY OWNED BY THE PENITAS ECONOMIC DEVELOPMENT CORPORATION – A TRACT OF LAND CONTAINING 16.524 ACRES, SITUATED IN HIDALGO COUNTY, TEXAS, AND ALSO BEING PART OR PORTION OF TRACT 375, LOS EJIDOS DE REYNOSA GRANT, MAP REFERENCE: VOLUME 7, PAGES 5 THROUGH 8, H.C.M.R.; 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 March 7<sup>th</sup> , 2012, 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 Peñitas Economic Development Corporation; and Section 42.024 of Texas Local Government Code provides for an alternate to the standard annexation proceedings where the property owner(s) 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 owner(s) 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:

A tract of land containing 16.524 acres, situated in Hidalgo County, Texas, and also being part or portion of TRACT 375, LOS EJIDOS DE REYNOSA GRANT, map reference: Volume 7, Pages 5 through 8, H.C.M.R., and said 16.524 acres of land also being more particularly described as follows:

BEGINNING on a 1/2" iron rod with a plastic cap stamped "CVQ LS" set on the Southwest corner of said Tract 375 and the North right-of-way line of St. L. B. M. Rail Road, for the Southwest corner of this tract;

THENCE, North 09 degrees 21 minutes 54 seconds East along the West line of said Tract 375, a distance of 707.06 feet to a 1/2" iron rod with a plastic cap stamped CVQ LS" set on the apparent South line of Hidalgo County Irrigation District No. 1 Canal right-of-way, for the Northwest corner of this tract;

THENCE, 62 degrees 31 minutes 19 seconds East, continuing along the apparent South line of said canal right-of-way, a distance of 340.88 feet to a 1/2" iron rod with a plastic cap stamped "CVQ LS" set, for a point of curvature of this tract;

THENCE, continuing along the apparent South line of said canal right-of-way and said curve to the left, with an interior angle of 34 degrees 38 minutes 54 seconds, a radius of 600.00 feet an arc length of 362.84 feet a tangent of 187.16 feet and a chord that bears South 79 degrees 50 minutes 46 seconds East, a distance of 357.33 feet to a 1/2" iron rod with a plastic cap stamped "CVQ LS" set, for the point of tangency of this tract;

THENCE, North 82 degrees 49 minutes 47 seconds East continuing along the apparent South line of said canal right-of-way, a distance of 342.09 feet to a 1/2" iron rod with a place cap stamped"CVQ LS" set, for the Northeast corner of this tract;

THENCE, South 9 degrees 15 minutes 32 seconds West, a distance of 447.60 feet to a 1/2" iron rod with a plastic cap stamped "CVQ LS" set for an angle corner of this tract;

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, if any, 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 conform 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 2012, the 16.524 acres herein annexed are being annexed at the request of the owner(s) 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 7<sup>TH</sup> day of March, 2012, at a REGULAR CALLED 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 7<sup>TH</sup> DAY OF MARCH, 2012.

CITY OF PENITAS

  
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Hon. Mayor Marcos Ochoa