

**ORDINANCE 1999-09-21-011**

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ADOPTING AN ANNEXATION PLAN; PROVIDING FOR THE AMENDMENT OF THE ANNEXATION PLAN; PROVIDING FOR ANNEXATIONS EXEMPT FROM THE ANNEXATION PLAN; AND PROVIDING A FOR RELATED MATTERS.**

WHEREAS, it is necessary and reasonable for the City of Kempner, Texas, a Texas general law municipality, (herein the "City") to provide, modify and amend the annexation plan for land in the extra territorial jurisdiction of the City; and

WHEREAS, the City in anticipation of growth and expansion desires to plan for the orderly and efficient growth of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Annexation Plan.** The Annexation Plan attached hereto as Exhibit "A" is hereby adopted and approved. From time to time the City Council may amend the plan to add or remove properties from the plan. The plan shall consist of all properties to be annexed under Texas Local Government Code § 43.052 that are not exempt from the plan.

**Section 3. Annexations Exempt from the Plan.** All annexations by petition or under authority conferred to the City pursuant to the Texas Local Government Code that fall within one of the following categories shall not be placed on the annexation plan, land areas that:

- a. contain fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract;
- b. will be annexed by petition of more than 50 percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voter or real property owners;
- c. were the subject of:
  - (i.) an industrial district contract under § 42.044, Tex. Loc. Gov't Code; or
  - (ii.) a strategic partnership agreement under Section § 43.0751, Tex. Loc. Gov't Code.
- d. are located in a colonia;
- e. are annexed under specific annexation grants in the Tex. Loc. Gov't Code, such areas being:

- (i.) owned by the City;
  - (ii.) a navigable stream adjacent to and within the ETJ of the City; or
  - (iii.) authorized to be annexed pursuant to §§ 43.029 or 43.031, Tex. Loc. Gov't Code.
- f. are located completely within the boundaries of a closed military installation; or
- g. the municipality determines are necessary to be annexed to protect the City or an area proposed for annexation from:
- (i) imminent destruction of property or injury to persons; or
  - (ii.) a condition or use that constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state.

**Section 4. Severability:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

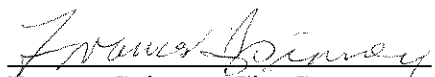
**Section 5. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below.

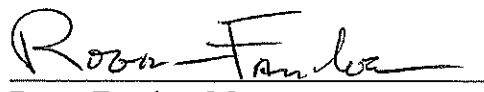
**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code.*

**PASSED AND APPROVED** on this 21st day of September, 1999.

**Attest:**

**CITY OF KEMPNER, TEXAS**

  
 Frances Spinney, City Secretary

  
 Roger Fancher, Mayor