

ORDINANCE NO. 2000-05-16-002

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS EXTENDING EXTRATERRITORIAL JURISDICTION TO ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kempner, Texas (herein the "City") is a general law municipality authorized by State law to extend extraterritorial jurisdiction beyond one-half mile to areas adjacent to the City's extraterritorial jurisdiction at the request of owners of the property pursuant to § 42.022 of the *Tex. Loc. Gov't. Code*;

WHEREAS, the property being added to the City's extraterritorial jurisdiction is adjacent and contiguous to the present city extraterritorial limits;

WHEREAS, the property being hereby affected is not within the extraterritorial jurisdiction of any other City; and,

WHEREAS, City Council has held a public hearing to consider the voice and views of the citizens regarding the extension of the extraterritorial jurisdiction upon the property owners' requests:

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied herein their entirety.

SECTION 2. That the following described property, as more particularly shown in attached Exhibit "A", (hereinafter referred to as the "Property") is hereby joined and incorporated into the extraterritorial jurisdiction of the City of Kempner:

(a) Tract 1: Being all of tracts number 2, 3, 4, 5, 6, 7, and 8 Pecan Valley Ranch Estates, Phase I, a subdivision in Lampasas County, Texas according to the plat thereof of record in Plat Cabinet 1, Slides 293-294 Lampasas County Plat Records.

(b) Tract 2: Being all of tracts number 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, and 22 Pecan Valley Ranch Estates, Phase II, a subdivision in Lampasas County, Texas according to the plat thereof of record in Plat Cabinet 1, Slides 295-296 Lampasas County Plat Records.

(c) Tract 3: Being all of tracts number 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 55, and 58 Pecan Valley Ranch Estates, Phase III, a subdivision in Lampasas County, Texas according to the plat thereof of record in Plat Cabinet 1, Slides 300-301 Lampasas County Plat

Records.

(d) Tract 4: Being all that certain tract or parcel of land being 8.91 Acres, comprised of 0.01 Acres, of the C. H. Casper Survey, Abst. No. 156, and 8.90 Acres, of the James F. Keller Survey, Abst. No. 1163, and being part of a 9.04 Acre tract described in a deed from Paul C. Hudson, Trustee to Dorothy M. Boehnlein as recorded in Volume 304, Page 967 of the Deed Records of Lampasas County, Texas.

(e) Tract 5: Being all that certain tract or parcel of land being 246 acres, more or less, of land out of the Wm. Gray Survey in Lampasas County, Texas, in a deed to W.W. Cox, of record in Volume 81, Page 294 of the official records of Lampasas County, Texas.

(f) Tract 6: Being all that certain tract or parcel of land being 5.41 acres, more or less, comprised of 2.55 acres, more or less, of the E.J. Nesbit Survey, Abst. No. 1384, and 2.87 acres, more or less, of the James F. Keller Survey, Abst. No. 1163, and being a part of a 5.00 acre tract described in Volume 310, Page 910, of the Deed of Records of Lampasas County, Texas, and all of the 0.556 acre tract described in Volume 304, Page 738, of Lampasas County, Texas.

(g) Tract 7: Being all that certain tract or parcel of land being 1.00 acre, more or less, of the E.J. Nesbit Survey, Abst. No. 1384, described in Volume 308, Page 948, of the Deed of Records of Lampasas County, Texas.

SECTION 3. That the official map and boundaries of the City's extraterritorial boundaries, heretofore adopted and amended be and hereby are amended so as to include the Property as part of the extraterritorial jurisdiction of the City of Kempner.

SECTION 4. 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. That this ordinance shall take effect immediately from and after its passage.

SECTION 6. That 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. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on this 16th day of May, 2000.

Attest:

THE CITY OF KEMPNER, TEXAS

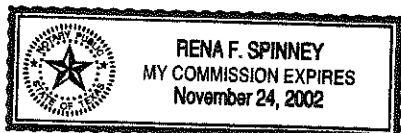
Frances Spinney
Frances Spinney, City Secretary

Roger Fancher
Roger Fancher, Mayor

STATE OF TEXAS *
COUNTY OF LAMPASAS *

BEFORE ME, the undersigned authority, on this day personally appeared Roger Fancher, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of same.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of May, 2000.

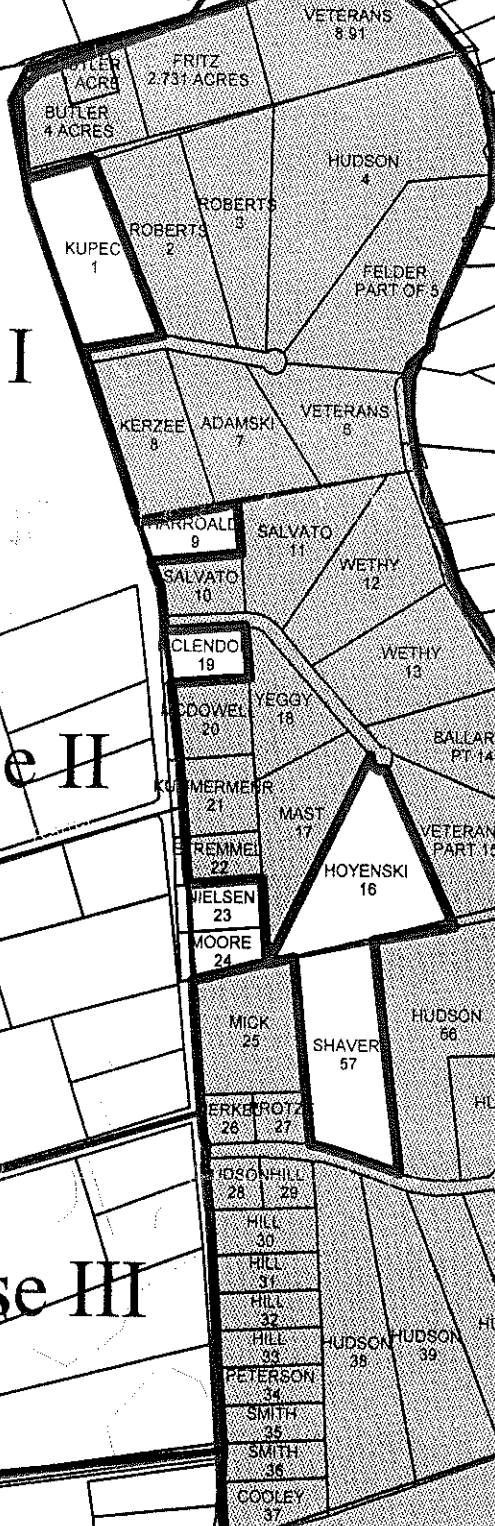


Rena F. Spinney
Notary Public
State of Texas

Phase I

Phase II

Phase III



FILED FOR RECORD

11:30 AM
MAY 25 2000

CONNIE HARTMANN, COUNTY CLERK
LAMPASAS COUNTY, TEXAS

Kelce Wolf DEPUTY

THE STATE OF TEXAS }
COUNTY OF LAMPASAS }

I, Connie Hartmann CLERK OF THE

County Court in and for the County, do hereby certify that the foregoing instrument

with its certificate of authentication was filed for

record in my office the 25th day of May 2000 at 11:30 o'clock AM.

and duly Recorded the 25th day of May 2000 at 11:45 o'clock AM.

Deed Recorded of said County, in Vol. 359 on page 306-310

WITNESS my hand and seal of the County Court of said County, at office in Lampasas, Texas,
the day and year last above written.

Kelce Wolf Deputy

Connie Hartmann Clerk
County Court of Lampasas County