

ORDINANCE NO. O-2021-066

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ROUND ROCK, TEXAS, TO WIT: 47.94 ACRES OF LAND, OUT OF THE A. THOMAS SURVEY, ABSTRACT NO. 609, IN WILLIAMSON COUNTY AND THE WESTVIEW DRIVE RIGHT-OF-WAY; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Round Rock, Texas (the “City”) is a duly constituted Home Rule City pursuant to Chapter 9, Local Government Code, as amended; and

WHEREAS, the City desires to annex approximately 47.94 acres of land out of the A. Thomas Survey, Abstract No. 609, more fully described and depicted in Exhibit “A,” attached hereto and incorporated herein for all purposes (collectively the “Property”); and

WHEREAS, pursuant to Texas Local Government Code, Chapter 43, Section 43.003, a home-rule municipality may extend to the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, Texas Local Government Code, Chapter 43, Subchapter C-3, authorizes municipalities to annex an area on the request of all property owners in an area; and

WHEREAS, the City has received a petition for annexation from all property owners for the 47.94 acre tract further described in Exhibit “A;” and

WHEREAS, the petition for annexation is attached as Exhibit “B” hereto and incorporated herein for all purposes; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement dated March 11, 2021, with the owners of the Property regarding the provision of services to the Property upon annexation, of which a copy of the applicable service plan and schedule is attached hereto and incorporated herein for all purposes as Exhibit “C;” and

WHEREAS, the City Council provided public notice and held a public hearing on March 11, 2021, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.106; and

WHEREAS, Texas Local Government Code Section 43.1055 authorizes a municipality to annex a road or right-of-way on the request of the owner of the road or right-of-way of the road or the governing body of the political subdivision that maintains the road or right-of way; and

WHEREAS, the Williamson County Commissioners Court, as the governing body who is responsible for maintaining Westview Drive, has consented for such land to be annexed into the City, provided in Exhibit “D,” attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council deems it appropriate to annex Westview Drive in conjunction with the 47.94 acre annexation; and

WHEREAS, the City has complied with all requirements established under the Texas Local Government Code necessary to take this action annexing the Property,

WHEREAS, the City Council hereby considers it appropriate to grant the petition for annexation, Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

II.

That the City Council has heard the arguments for and against the annexation and has determined to grant the petition for annexation.

III.

That the property described in Exhibit "A" is hereby annexed and brought within the corporate limits of the City of Round Rock, Williamson County, Texas, and same is hereby made an integral part hereof.

IV.

That the owners and future inhabitants of the area herein annexed be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances and all other legal action now in full force and effect and all those which may be hereafter adopted.

V.

That the official map and boundaries of the City, heretofore adopted and amended be and is hereby amended so as to include the aforementioned territory as part of the City of Round Rock, Texas.

VI.

That the City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory hereby annexed as required by law.

VII.

That this Ordinance shall become effective after its passage.

VIII.

That the City Clerk is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk of Williamson County, Texas.

IX.

If any section, subsection, sentence, phrase, or word of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

X.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this _____ day of _____, 2021.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2021.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2021.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk

Exhibit “A”

Property Description

Ten tracts of land and the Westview Drive Right-of-Way totaling approximately 47.94 acres of land out of the A. Thomas Survey, Abstract No. 609, Williamson County, Texas.

[See attached map.]

Exhibit “B”

Annexation Petition

Exhibit “C”

Services Agreement

Exhibit “D”

Order to Annex Westview Drive