

CITY OF HIGHLAND HAVEN

ORDINANCE # 048

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

Whereas, it is necessary and reasonable for the City of Highland Haven, 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 BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Board of Aldermen 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 Board of Aldermen may amend the plan to add or remove properties from this 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. Annexation Exempt from Plan. All annexation 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 the 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 voters 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 Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any judgment or decree of any court of competent jurisdiction, such invalidity shall no affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Board

of Aldermen 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 Meeting 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 Meeting Act, Chap.551, Tex. Gov't Code.

PASSED AND APPROVED on this the 18th day of January, 2005
CITY OF HIGHLAND HAVEN, TEXAS

Roscoe L. Holt, Mayor

Jeanne Ormiston, City Secretary