

ORDINANCE NO. 166

AN ORDINANCE ADOPTING A REVISED MAP OF THE TOWN OF ANNETTA; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta ("Town") is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Section 41.001 of the Texas Local Government Code requires all municipalities to adopt a map of its boundaries and extraterritorial jurisdiction; and

WHEREAS, the original boundaries of the Town ("Original Town Boundaries") were first established in 1979 when the Town was incorporated as a legal entity; and

WHEREAS, the Town adopted Ordinance 27 in 1988 which effectively annexed approximately 345 acres of property into the city limits of the Town in accordance with all applicable laws; and

WHEREAS, about a year later, the Town adopted Ordinance 27B which attempted to clarify that the Town's annexation of the 345 acres was in part in error because it included certain property within the legal description that was not intended to be included in the annexation; and

WHEREAS, Ordinance 27B was adopted in error in that it did not include a legal description or other adequate depiction of the property referenced in the ordinance; and

WHEREAS, in 1994, the Town adopted Ordinance 55 which purported to repeal Ordinance 27B in its entirety; and

WHEREAS, certain property owners subsequently filed a lawsuit against the Town challenging the validity of Ordinance 55; and

WHEREAS, to resolve this lawsuit, the Town adopted Ordinance 27C, which repealed Ordinance 55, revived Ordinance 27B and added a legal description of property to Ordinance 27B; and

WHEREAS, in April 2002, the Town adopted its first official map, which was subsequently modified in November of 2002 and again in March of 2003; and

WHEREAS, all of the actions specified above regarding the Town map and boundaries have long since been conclusively established as a matter of law pursuant to the Texas Governmental Validation Act, Section 51.003 of the Local Government

Code, regardless of whether or not such actions were in compliance with the required procedures set forth in state law; and

WHEREAS, the Town adopted additional revised maps in 2014 and in February and October of 2015 as a result of the Town's annexation of the Deer Creek, Meadow Park and Split Rail West subdivisions; and

WHEREAS, a dispute has now arisen between the Town and certain property owners who own property in the vicinity of the southeast intersection of Old Annetta Road and Briarwood Lane totaling approximately 5.1 acres ("Disputed Property"); and

WHEREAS, these property owners assert that the Disputed Property should not be included in the most recent maps which were adopted by the Town in 2014 and in February and October of 2015, and

WHEREAS, the Disputed Property was originally included within the city limits of the Town according to the Original Town Boundaries; and

WHEREAS, the Disputed Property was legally disannexed as a result of the Town's adoption of Ordinance 27B as clarified by Ordinance 27C; and

WHEREAS, the Town acknowledges that the current Town map is not accurate and should not have included the Disputed Property as being within the city limits of the Town; and

WHEREAS, the Town Council desires to adopt a revised map that more accurately reflects the Town boundaries.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:

SECTION 1.

The map, attached hereto as Exhibit "A", is hereby adopted as the official map of the Town of Annetta. Any maps previously adopted by the Town are hereby repealed.

SECTION 2.

This ordinance shall be cumulative of all previously adopted resolutions and ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such resolutions and ordinances, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality 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 Town Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED on this 17 day of December 2015.



Bruce Pinckard, Mayor

ATTEST:



Alyson Wolf, Town Secretary

