

## CITY OF BASTROP, TEXAS

## ORDINANCE NO. 2024-\_\_\_\_

## DISANNEXATION OF COLORADO BEND

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, DISANNEXING FROM THE CITY LIMITS, FOR FULL PURPOSES, LAND BEING APPROXIMATELY 312.61 ACRES, KNOWN AS BASTROP COLORADO BEND, PHASE 1, OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NO. 2, IN BASTROP COUNTY, TEXAS, LOCATED WEST OF LOVERS LAND AND SOUTHEAST OF THE COLORADO RIVER; AMENDING THE BOUNDARIES OF THE CITY TO EXCLUDE THE LAND; DIRECTING THE CITY SECRETARY TO NOTIFY THE TEXAS COMPTROLLER OF THE CHANGE IN BOUNDARIES; AUTHORIZING A REFUND OF TAXES AND FEES UPON DISANNEXATION AS REQUIRED BY LAW; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City of Bastrop (“City”) has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** pursuant to Texas Local Government Code Section 43.142, the City may disannex an area according to rules as may be provided by the City Charter, and Charter Section 2.03 allows for an area to be disannexed by ordinance after notice and a public hearing whenever the Council determines the area is not suitable or necessary for City purposes; and

**WHEREAS,** the land being approximately 312.61 acres, known as Bastrop Colorado Bend, Phase 1, out of the Stephen F. Austin Survey, Abstract No. 2, in Bastrop County, Texas, located west of Lovers Lane and southeast of the Colorado River, as more particularly described in Exhibit “A” (the “Property”) attached hereto and incorporated herein, was annexed into the City Limits in 2022 by Ordinance No. 2022-04; and

**WHEREAS,** the City and Bastrop Colorado Bend, LLC (the “Owner”) previously entered into that certain Mutual Release and Termination of Development and Annexation Agreement, effective April 15, 2024 (the “Termination Agreement”), pertaining to the Property, and pursuant to Section 3 of the Termination Agreement the Owner requested and the City agreed to take all necessary action to disannex the Property; and

**WHEREAS,** the City Council, after notice and a public hearing, finds that the Property is not suitable or necessary for City purposes and desires to discontinue said Property as part of the City and to disannex, for full purposes, the Property from the City limits and upon disannexation to exclude the Property from the City's ETJ.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, Texas:**

- Section 1. Findings of Fact:** The foregoing recitals are incorporated into this Ordinance ("Ordinance") by reference as findings of fact as if expressly set forth word-for-word herein.
- Section 2. Disannexation:** The Property is hereby discontinued as part of the City and disannexed, for full purposes, from the City limits. Upon disannexation, the Property shall not be included within the City limits or the City's ETJ.
- Section 3. Amended City Map:** The City Council hereby directs that the official City map be amended to show the change in boundaries to exclude the Property and that a certified copy of this Ordinance and the amended map of the City's boundary be filed with the County Clerk of Bastrop County, Texas.
- Section 4. Notice to Comptroller:** The City Council hereby directs that a certified copy of this Ordinance and the amended map of the City's boundary be provided to the Sales and Tax Division of the Texas Comptroller's Office.
- Section 5. Taxes and Fees Refund:** The City Council hereby directs that, upon disannexation of the Property, a refund of property taxes and fees shall be calculated and issued, if any is owed, in accordance with Texas Local Government Code Section 43.148.
- Section 6. Repealer:** To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated.
- Section 7. Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction

over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**Section 8. Effective Date:** This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, its Code of Ordinances, and the laws of the State of Texas.

**Section 9. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**READ & ACKNOWLEDGED on First Reading** by the City Council of the City of Bastrop, on this, the \_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED & APPROVED on Second Reading** by the City Council of the City of Bastrop, on this, the \_\_\_\_ day of \_\_\_\_\_, 2024.

**APPROVED:**

by: \_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

**Exhibit "A"**

Property Description

The approximately 312.61 acres of land, known as Bastrop Colorado Bend, Phase 1, out of the Stephen F. Austin Survey, Abstract No. 2, in Bastrop County, Texas, located west of Lovers Lane and southeast of the Colorado River, as more particularly described in the attached field notes and accompanying sketch (excluding the approximately 35.5 acres described in such field notes and sketch that is comprised of a portion of the Colorado River).

DRAFT