

ORDINANCE NO. _____

ORDINANCE ANNEXING TERRITORY

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS PROVIDING FOR THE ANNEXATION OF A 3.6816 ACRE TRACT OF LAND HEREINAFTER MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS TO THE CITY OF BAY CITY, TEXAS FOR ALL MUNICIPAL PURPOSES; AND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BAY CITY, TEXAS; PROVIDING FOR AN ANNEXATION SERVICE PLAN AND THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF BAY CITY, TEXAS TO INCLUDE THE ANNEXED TRACT; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF BAY CITY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bay City, Texas (“City”) is a Home Rule City as defined by the Texas Local Government Code; and

WHEREAS, BAYCITY HWY 60 PROPERTY INC. (“Owner”) the owner and developer of a 3.6816 acre tract of land described more fully in Exhibit “A” attached hereto and incorporated by reference herein for all purposes is located within the extraterritorial jurisdiction of and is lying and is adjacent to the present corporate limits of the City (“Area”), has requested that the City annex said property into the city limits of the City pursuant to Texas Local Government Code §43.0671; and

WHEREAS, under the Local Government Code, the Bay City City Charter, and other applicable provisions of Texas Law, City and the Bay City City Council as the governing body of the municipality is authorized to annex the Area; and

WHEREAS, City held a public hearing on December 10, 2024 at 6:00 p.m. in the Bay City Council Chambers to receive public comments on the annexation after giving public notice in the newspaper of the public hearing date and complied with provisions for annexation required under the Texas Local Government Code and as otherwise required by law; and

WHEREAS, the City of Bay City, Texas (“City”) prepared a service plan for the extension of municipal services into the Area to be annexed and the plan was proposed by the City Council of Bay City, Texas prior to the public hearing on the annexation and was thereafter available for public inspection; and

WHEREAS, all notices, publications, and hearings have been duly given or held as required by the Texas Local Government Code and no written protest to the annexation was filed with the City Secretary of Bay City, Texas; and

WHEREAS, institution of annexation proceedings and the presentation and introduction of this Ordinance in such forms as it may be finally passed occurred within the periods of time and methods prescribed by law; and

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

SECTION 1. The above and foregoing preamble is true and correct and is incorporated herein and made a part hereof for all purposes.

SECTION 2. That the hereinafter described 3.6816 acre tract of land (“Area”) which lies within Matagorda County, Texas and is within the extraterritorial limits of, is adjacent to and is contiguous to the present corporate limits of the City of Bay City, Texas is hereby annexed to the City of Bay City, Texas for all municipal purposes and the corporate lines and limits of the City of Bay City, Texas are hereby extended to include the Area, which is more particularly described by metes and bounds in Exhibit “A”.

SECTION 3. That the Area annexed shall bear its pro-rata part of the taxes assessed by the City of Bay City, Texas.

SECTION 4. That the inhabitants of the Area hereby annexed to the City of Bay City, Texas shall be entitled to all the rights and privileges of the citizens of the City of Bay City, Texas and shall be bound by the acts, ordinances, codes, resolutions, and regulations of the City of Bay City, Texas.

SECTION 5. It is not the intention of the City of Bay City, Texas to annex any territory or area not legally subject to annexation by the City, and should any portion of the above-described Area not be subject to legal annexation by the City of Bay City, Texas, such fact shall not prevent the City from annexing such Area, above-described, which is subject to legal annexation by the City, and it is the intention of the City to annex only such territory or area that it may legally annex within the limits of the above-described Area.

SECTION 6. The Annexation Service Plan which is attached to this Ordinance as Exhibit “B” is hereby approved and incorporated by reference herein as part of this Ordinance.

SECTION 7. It is hereby declared to be the intention of the City Council of the City of Bay City, Texas 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 should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 8. All rights and remedies of the City of Bay City, Texas are expressly saved as to any and all violations of the provisions of any Ordinances affecting annexations, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending

litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. The City Secretary of the City of Bay City, Texas is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Bay City, Texas and by filing this Ordinance in the Ordinance Records of the City. The City Secretary of the City of Bay City, Texas is hereby directed to file with the County Clerk of Matagorda County, Texas, a certified copy of this Ordinance.

SECTION 10. This Ordinance shall be in full force and effect ten (10) calendar days after the date upon final passage.

UPON MOTION OF COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____, THAT THE ORDINANCE BE PASSED ON FIRST AND FINAL READING, THIS 10TH DAY OF DECEMBER, 2024.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

Approved By:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

Council Member:	Voted Aye	Voted No	Absent
Blayne Finlay	_____	_____	_____
Ben Flores	_____	_____	_____
Jim Folsie	_____	_____	_____
Bradley Westmoreland	_____	_____	_____
Becca Sitz, Mayor Pro Tem	_____	_____	_____
Robert K. Nelson, Mayor	_____	_____	_____