

ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, DISANNEXING FROM THE CITY LIMITS, FOR FULL PURPOSES, LAND BEING APPROXIMATELY 8.550 ACRES, MORE OR LESS, SITUATED IN THE J.M. CARTWRIGHT SURVEY, ABSTRACT NO. 132 AND IN THE T. JONES SURVEY, ABSTRACT NO. 468, BURLESON, JOHNSON COUNTY, TEXAS; 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, PROPER OPEN MEETING; AND EFFECTIVE DATE.

WHEREAS, the City of Burleson ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, pursuant to Texas Local Government Code Section 43.142 the City may disannex an area according to the rules as may be provided by the City Charter; and

WHEREAS, City Charter Section 5 provides that the City Council may disannex territory, and Section 2-4 of the City Code of Ordinances provides that an ordinance concerning disannexation may be considered and approved at only one session of the City Council

WHEREAS, on August 14, 2024, the City received a petition from the Basden Steel Corporation and Renfro Street Holdings, Ltd., for the disannexation of 8.550 acres of land, more or less, in Burleson, Johnson County, Texas, and more particularly described in Exhibit "A" (the "Property") attached hereto and incorporated herein by reference for all purposes; and

WHEREAS, the Property was annexed into the City limits in 2002 by Ordinance No. A-290; and

WHEREAS, the City Council 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 extraterritorial jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON THAT:

SECTION 1. 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 extraterritorial jurisdiction.

SECTION 2. 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 Johnson County, Texas.

SECTION 3. NOTICE TO COMPTROLLER

The City Council hereby directs that a certified copy of this ordinance and the amended map of the City's boundaries be provided to the Sales and Tax Division of the Texas Comptroller's Office.

SECTION 4. 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 5. REPEALER

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6. SEVERABILITY

It is hereby declared to be the intention of the City 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 unconstitutional by the valid judgment 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 the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. RECITALS INCORPORATED

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 8.
OPEN MEETING

It is hereby officially found and determined that the meetings at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meetings was given as required by law.

SECTION 9.
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this the _____ day of _____, 20____.

First and Final Reading: the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney