

ORDINANCE NO. 2023.09.12. __

AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, ANNEXING A 1.321 ACRE TRACT OWNED BY VRE GLEN ROSE 2.0, LLC IDENTIFIED IN EXHIBIT "A"; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; FURTHER PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; ADOPTING A SERVICE PLAN; PROVIDING SEVERABILITY AND PROPER NOTICE, MEETING, QUORUM, PRESUMPTION OF CONSENT, AND PRESUMPTION OF VALIDITY CLAUSES; AND, PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City of Glen Rose, Texas (City) is a Type A General Law municipality;

WHEREAS, pursuant to §43.0671 of the Texas Local Government Code (TLGC), "...a municipality may annex an area if each owner of land in the area requests the annexation";

WHEREAS, on August 8, 2023, VRE Glen Rose 2.0, LLC, submitted a petition requesting the City's Governing Body to annex the 1.321 acres situated in the Milam County School, Abst: 136, being a portion of that certain 4.58-acre tract of land described in a deed to VRE GLEN ROSE 2.0, LLC Instrument Number 20222651, Official Public Records Somervell County Texas, and being located on the south side of Highway 67 adjacent to and east of the VRE Glen Rose 7 Eleven Addition;

WHEREAS, in conformance with the requirements of §43.014 of the TLGC, said property is located within the City's Extraterritorial Jurisdiction;

WHEREAS, pursuant to 43.016 of the TLGC, the City offered a Development Agreement to the owners of the property under consideration for annexation, which was subsequently declined by the owners;

WHEREAS, on November 8, 2022, the City's governing body accepted said petition for annexation;

WHEREAS, the City has provided the notices required under §43.905 and §43.9051 of the TLGC;

WHEREAS, pursuant to §43.0672 of the TLGC, the City's governing body has entered "...into a written agreement (attached hereto and identified as Exhibit "B") with the owners of land in the area for the provision of services in the area";

WHEREAS, pursuant to §43.0673, the City conducted a public hearing on this annexation on September 12, 2023; and,

WHEREAS, pursuant to §51.001 of the TLGC, in the lawful exercise of the powers granted to it and for the good government, peace, and order of the City, the City Council has decided to annex the property described in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS THAT:

**SECTION 1
RECITALS INCORPORATED**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2
SERVICE PLAN**

The Service Plan described in Exhibit "B," attached hereto and incorporated herein for all purposes, is hereby approved and adopted.

**SECTION 3
ANNEXATION DECLARATION**

The property described in Exhibit "A," attached hereto and incorporated herein for all purposes, which was not previously annexed into the City (approximately 1.32 acres) is hereby annexed and brought within the corporate limits of the City of Glen Rose, Somervell County, Texas, and the same is hereby made a part of the City.

**SECTION 4
RIGHTS AND RESPONSIBILITIES**

The property described in Exhibit "A" shall bear its share of the ad valorem taxes levied by the City, and the inhabitants of the area herein annexed shall be entitled to all of the rights, privileges, and responsibilities of other citizens of the City and bound by all acts, ordinances and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5
MAP AMENDED**

The official map and boundaries of the City heretofore adopted and amended be and are hereby amended to include the property described in Exhibit "A" as part of the City.

**SECTION 6
ADMINISTRATIVE AUTHORIZATION**

The City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance, including any corrections to the official map of the City to add the Territory hereby annexed, as required by law, and to ensure that all required documentation is filed with the necessary government agencies.

**SECTION 7
SEVERABILITY CLAUSE**

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance for any reason whatsoever. The adjudication shall not affect another section, sentence, phrase, word, paragraph, or provision of this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the City Council of the City of Glen Rose declares that it would have passed every other part notwithstanding the omission of any part or parts declared to be invalid or unconstitutional.

**SECTION 8
PROPER NOTICE, MEETING, AND QUORUM CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by a majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

**SECTION 9
PRESUMPTION OF CONSENT**

Pursuant to §43.901 of the Texas Local Government Code, "A municipal ordinance defining boundaries of or annexing area to a municipality is conclusively presumed to have been adopted with the consent of all appropriate persons, except another municipality, if: (1) two years have expired after the date of the adoption of the ordinance; and (2) an action to annul or review the adoption of the ordinance has not been initiated in that two-year period."

**SECTION 10
PRESUMPTION OF VALIDITY**

Pursuant to §51.003 of the Texas Local Government Code, "A governmental act or proceeding of a municipality is conclusively presumed, as of the date it occurred, to be valid and to have occurred in accordance with all applicable statutes and ordinances if: (1) the third anniversary of the effective date of the act or proceeding has expired; and (2) a lawsuit to annul or invalidate the act or proceeding has not been filed on or before that third anniversary."

**SECTION 11
EFFECTIVE DATE**

This ordinance shall become effective immediately upon its passing.

PASSED AND APPROVED this the 12th day of January 2023.

Joe Boles, Mayor

ATTEST:

Staci L. King, City Secretary