

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, ADOPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MONTGOMERY, TEXAS, TO WIT: A TRACT OR PARCEL CONTAINING 32.24 ACRES OR 1,404,464 SQUARE FEET OF LAND SITUATED IN THE BENJAMIN RIGSBY LEAGUE, ABSTRACT NO. 31, MONTGOMERY COUNTY, TEXAS, BEING PART OF AND OUT OF THE RESIDUE OF A CALLED 94.889 ACRE TRACT OF LAND DESCRIBED IN DEED TO NORMAN R. STEWART, JR. AND WIFE, JENNIFER H. STEWART AS RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE (M.C.C.F.) NO. 9357628, AND PART OF AND OUT OF A CALLED 67.820 ACRE TRACT OF LAND DESCRIBED IN DEED TO CMC PARTNERSHIP, LTD. AS RECORDED UNDER M.C.C.F. NO. 2022130572 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DEPICTED IN EXHIBIT "A"; PROVIDING FOR INCORPORATION OF PREMISES, AMENDING OF THE OFFICIAL CITY MAP, AND ACKNOWLEDGING A SERVICE PLAN; REQUIRING THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PRESCRIBING FOR EFFECT ON TERRITORY, GRANTING AS APPROPRIATE 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 MONTGOMERY, TEXAS; PROVIDING CUMULATIVE REPEALER, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Montgomery, Texas ("City") is a Type-A, General Law municipality located in Montgomery County, Texas with the rights and privileges thereto; and

WHEREAS, Section 43.0671 of the Texas Local Government Code authorizes a Type-A general law municipality to extend the boundaries of the municipality and annex an area adjacent to the municipality by petition of area landowner in accordance with the procedural rules prescribed by Texas Local Government Code Chapter 43; and

WHEREAS, the City received a written petition requesting the voluntary annexation of the area described in Exhibit A, on October 17, 2024; and

WHEREAS, the area identified in Exhibit A, situated in the Benjamin Rigbsy League, Abstract No. 31, Montgomery County, Texas, is adjacent and contiguous to the City limits; and

WHEREAS, the City Council of the City of Montgomery, Texas ("City Council") has conducted the required public hearing, held on February 11, 2025, regarding annexation of the area and has provided all required notices within the timeframes established under Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City has entered into a municipal service annexation agreement for the area to be annexed in accordance with Section 43.0672 of the Texas Local Government Code providing for agreed upon municipal services; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex said territories into the City.

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

Section 1. Findings of Fact. All of the matters and facts set out in the preamble hereof are true and correct and are adopted as findings of the City Council.

Section 2. Annexation of Territory. The property in the area described in Exhibit A, which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Montgomery, and is made an integral part, hereof. The official map and boundaries of the City of Montgomery are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's corporate limits resulting from such annexation. A municipal service agreement was entered into between the City and the property owner with the applicable provisions of state law pertaining to annexation. The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City of Montgomery and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

Section 3. Effective Date. This Ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

Section 4. Filing. The City Secretary is hereby instructed to include this Ordinance in the records of the City. The City Secretary is hereby instructed to have prepared maps depicting the new municipal boundaries and extraterritorial jurisdiction. The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Montgomery County Clerk. The City Secretary is hereby instructed to submit by certified mail a certified copy of the annexation ordinance a map of the entire city that shows the change in boundaries, with the annexed portions clearly distinguished, resulting from the annexation to the Texas Comptroller's Office.

Section 5. Proper Notice and Meeting. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Texas Government Code, Chapter 551 and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

PASSED AND APPROVED this 11th day of February 2025, by a vote ____ (ayes) to ____ (nays) to _____ (abstentions) of the City Council of the City of Montgomery, Texas.

CITY OF MONTGOMERY:

SARA COUNTRYMAN, Mayor

APPROVED:

ALAN P. PETROV, Attorney

ATTEST:

RUBY BEAVEN, City Secretary