

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, RELEASING 12.368 ACRES, MORE OR LESS, FROM THE TOWN OF PROSPER'S EXTRATERRITORIAL JURISDICTION; MAKING FINDINGS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the property herein described have requested and petitioned in writing that the Town of Prosper exclude the property herein described from the Town's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the Town has determined that the submitted petition complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the property herein described from the Town's ETJ.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are found to be the true and correct legislative determinations of the Town of Prosper and they are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, the following property, more particularly described in Exhibit A, attached hereto and incorporated by reference, is hereby released from the Town's ETJ. Further, the Town's ETJ boundary map is hereby amended in accordance with the ETJ release referenced in this Ordinance, and as required by Section 41.001 of the Texas Local Government Code.

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

This Ordinance shall become effective after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 26TH DAY OF MARCH, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

(Legal Description / Depiction of the Property to be Released from Town's ETJ)