

ORDINANCE NO. 2023-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, DISANNEXING APPROXIMATELY 4,000 ACRES OF LAVON LAKE AND SURROUNDING LAND, SITUATED IN THE W. W. BELL SURVEY, ABS A0037; M. I. GEMINEZ SURVEY, ABS A0338; WILLIAM JOHNSON SURVEY, ABS A0476; JOHN D KIRBY SURVEY, ABS A0515; MADISON WALKER SURVEY, ABS A1022; ALEX RUSSELL SURVEY, ABS A0736; B. M. CARR SURVEY, ABS A0175; JAMES KING SURVEY, ABS A0508; AND THOMAS CHAMBERS SURVEY, ABS A1049, COLLIN COUNTY, TEXAS; PROVIDING FOR AMENDING THE OFFICIAL BOUNDARIES OF THE CITY OF WYLIE, TEXAS, AS HERETOFORE ADOPTED; PROVIDING FOR A PENALTY FOR A VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) under the authority of Section 43.021. Local Government Code and the City of Wylie, Texas’ (Wylie) Home Rule Charter, a municipality may disannex an area from the municipality “as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by [Chapter 43 of the Texas Local Government Code]”; and

WHEREAS, the City Council of Wylie, Texas, has received a Petition for Disannexation (the Petition) regarding 4,000 acres of Lavon Lake and surrounding land, from the City of Princeton (Petitioner); and

WHEREAS, the Petitioner acknowledges, and City Council finds, that the amount of property taxes and fees collected by the City during the time the land was located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the land during that period; and,

WHEREAS, the Petitioner acknowledges, and City Council finds, that the petition waives any remedies or rights in law or equity pertaining to recovery of property taxes and fees collected by the City; and, therefore, the City shall not be required to refund any taxes or fees to the Petitioner; and,

WHEREAS, the Petitioner acknowledges, and City Council finds, that the petition does not allege that the City Council failed or refused to provide services or to cause services to be provided within the territory with a period required by statute or specified in a service plan prepared for the territory; and, therefore, the disannexation does not fall under the purview of Texas Local Government Code Section 43.141; and,

WHEREAS, the Petitioner acknowledges that the proposed disannexation tracts are uninhabited, is not subject to residential use, and no qualified voters reside thereon, and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to Wylie and its inhabitants to disannex the property (the “Property”) as described in Exhibit A; and;

WHEREAS, the City Council finds that the field notes close the boundaries of the Property being disannexed; and

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

SECTION 1. The above findings are hereby incorporated for all purposes as if each word was set out herein; the petition for disannexation is attached hereto as Exhibit A and is hereby incorporated for all purposes as if it were set out fully herein.

SECTION 2. All rights, privileges, and responsibilities previously conferred on the property described in the attached Exhibit A are immediately terminated, and are of no force and effect, and any future inhabitants thereof shall not be entitled to any rights or privileges as citizens; nor shall they be bound by the acts, ordinances, resolutions, and regulations of the City of Wylie, Texas, immediately upon the disannexation of the property from the City of Wylie.

SECTION 3. The official map and boundaries of the City heretofore adopted and amended are hereby amended to exclude the area described in Exhibit A so as to accurately reflect that said area no longer is a part of the City of Wylie, Collin County, Texas.

SECTION 4. Should any word, phrase, clause, sentence, paragraph, or section of this Ordinance be adjudged or held to be illegal, invalid, or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such adjudication shall not affect the application of any remaining word, phrase, clause, sentence, paragraph, or section of this Ordinance.

SECTION 5. The repeal of any ordinance, or parts thereof, by the enactment of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. As of the effective date of this Ordinance, the land and territory shown on Exhibit A consisting of approximately 4,000 acres, shall be disannexed from the City of Wylie, and that execution will occur upon U.S. Army Corps of Engineers annexing the same said properties to the City of Princeton.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS
on this 30th day of May, 2023.

Matthew Porter, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Stephanie Storm, City Secretary

DATE OF PUBLICATION: June 7, 2023, in the Wylie News

EXHIBIT A
LEGAL DESCRIPTION