



City of Orchard

ORDINANCE NO. 97-2011

AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS, EXTENDING AND EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION UPON THE REQUEST OF OWNER OF TERRITORY

WHEREAS, pursuant to the provisions of the Texas Local Government Code, Section 42.022(b), (formerly Subsection C of Section 3 of the Municipal Annexation Act, Article 970 a, Vernons Texas Civil Statutes, as amended), the owner of the tracts of land comprising the territory depicted and outlined in pink on Exhibit "A", a map dated November, 9, 2011, have petitioned the City of Orchard, Texas (the "City") to extend and expand its extraterritorial jurisdiction to include all of that territory. All of those petitions are included in Exhibit "B", and Exhibit "C" is a list of those owners with the address and legal description of their respective tracts of land. Exhibits "A", "B", and "C" are attached to this ordinance and are incorporated herein by reference for all purposes: and

WHEREAS, the City has reviewed said petition and has determined that the facts therein stated are true and correct; the Petitioner is the owner of the territory described in Exhibit "A" hereto; and that said territory is wholly contiguous to the existing extraterritorial jurisdiction to include such territory;

WHEREAS, the City has determined that it will be in the best interests of the City and the territory described in Exhibit "A" attached hereto if the City extends and expands its extraterritorial to include such territory;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS

Section 1. The facts and recitals set forth in the preamble of this ordinance are hereby found and determined to be true and correct.


Section 2. The City of Orchard, Texas, hereby extends and expands its extraterritorial jurisdiction to include all of the territory described in Exhibit "A", and further described in Exhibits

“B” and “C”, which exhibits, as already recited in the preamble to this ordinance, are attached to and incorporated in this ordinance by reference for all purposes.

Section 3. The city secretary shall note the date of passage of this Ordinance in the minutes of the meeting. This Ordinance shall become effective immediately upon the date of its passage and adoption.

If any section of the Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect: and should this Ordinance for any reason be ineffective as to any part of the territory hereby included within the extraterritorial jurisdiction of the City of Orchard, such ineffectiveness of this Ordinance as to any such part or parts of any such territory, and the City Council hereby declares it to be its propose to include within the extraterritorial jurisdiction of the City every part of the territory described in this Ordinance, regardless of whether any other part of such described territory is hereby effectively included within the extraterritorial jurisdiction of the City. Provided, further, if there is included in the general description of territory set out in this Ordinance to be hereby included within the extraterritorial jurisdiction of the City of Orchard, any territory which is already a part of and included within the extraterritorial jurisdiction or general limits of the City, or which is presently part of and included within the limits or extraterritorial jurisdiction of any other city, town, or village, the same is hereby excluded and excepted from the territory to be included within the City’s extraterritorial jurisdiction hereby, as fully as if such excluded and excepted territory were especially and specifically described herein.

PASSED and APPROVED this 9th day of Nov, 2011.



Rod Pavlock

Rod Pavlock
Mayor, city of Orchard, Texas

David Kolafa

David Kolafa
Commissioner, City of Orchard, Texas

Rachelle Demny

Rachelle Demny
Commissioner, City of Orchard, Texas

ATTEST:

Merry Sue Hajdik

Merry Sue Hajdik
City Secretary, City of Orchard, Texas

November 9, 2011 ETJ

<u>OWNER ADDRESS</u>	<u>PROPERTY ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
1. George W. Bone Joyce M Bone 15778 Newberg Rd. Cat Spring, TX 78933	Johnson Rd.	Gail Borden League Abstract #12 49.95 Acres
2. Stewart G. Henson P. O. Box 178 Orchard, TX 77464	Johnson Rd.	Gail Borden League Abstract #12 1.55 Acres
3. Kathryn E. Bowden P. O. Box 303 Orchard, TX 77464	Johnson Rd.	Gail Borden League Abstract #12 198.67 Acres
4. Nettie R. Stewart P. O. Box 65 Orchard, TX 77464	Johnson Rd.	Gail Borden League Abstract #12 44.17 Acres
5. Sheila L. Talley P. O. Box 184 Dodge, TX 77334 Sydney Traylor P. O. Box 192 Normangee, TX 77871	Johnson Rd. Johnson Rd.	Gail Borden League Abstract #12 108.4 Acres
6. Doris J. Henson P. O. Box 70 Orchard, TX 77464	Reinecker Rd.	Gail Borden League Abstract #12 49.636 Acres
7. Guy Steve Mahler P. O. Box 82 Orchard, TX 77464	FM 1489	Gail Borden League Abstract #12 2.7762 Acres