

ORDINANCE NO. 2008 - \_\_\_\_

**AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF McALLEN, TEXAS; AND THE ANNEXATION OF TRACT 1: 38.18 ACRES OUT OF LOT 10, BLOCK 4, RIO BRAVO PLANTATION COMPANY SUBDIVISION; TRACT 2: 20.56 ACRES OUT OF LOT 5, SECTION 280 TEXAS-MEXICAN RAILWAY COMPANY SURVEY; HIDALGO COUNTY, TEXAS, CONTAINING 58.74 ACRES AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT MATTER THEREOF.**

**WHEREAS**, on the 14th day of January, 2008, the Board of Commissioners of the City of McAllen passed a resolution authorizing and directing the Director of Planning of the City of McAllen to implement procedures required under State law and the Charter and Code of Ordinances of the City of McAllen to annex certain tracts of land as therein set forth; and

**WHEREAS**, Chapter 43 of the Texas Local Government Code requires that a plan of service be made part of the annexation ordinance as adopted by the governing body of a city; and

**WHEREAS**, the Director of Planning has heretofore, after published notice, conducted a public hearing on the site or sites to be annexed hereunder at which time the service plan heretofore adopted was presented; and

**WHEREAS**, the Board of Commissioners have heretofore after public notice conducted a public hearing on the matter of this annexation and the service plan to be adopted heretofore; and

**WHEREAS**, by resolution dated April 14, 2008, the Board of Commissioners of the City of McAllen approved and adopted certain service plans as prepared by the Director of Planning and approved by the City Manager for certain tracts of land as herein set forth and such plan has been on file for public inspection in the office of the City Secretary since the date of preparation; and;

**WHEREAS**, by Ordinance dated May 12, 2008 the Board of Commissioners of the City of McAllen approved and adopted the first reading of this Ordinance, and ordered that this Ordinance be published in a newspaper in the City of McAllen and provided that this ordinance shall be finally approved not earlier than 30 days from the date of publication of such ordinance; and

**WHEREAS**, after the passage of the first reading, this Ordinance was published in a newspaper having general circulation in the City of McAllen and in the hereinafter described territory on May 18, 2008, and

**WHEREAS**, the hereinafter described property lies within the extraterritorial jurisdiction of the City of McAllen; and

**WHEREAS**, the property hereinafter described lies adjacent to, adjoins, and is contiguous to the City of McAllen; and

**WHEREAS**, the property hereinafter described contains 58.74 more or less.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:**

**SECTION I:** The following described land and territory adjacent to and adjoining the City of McAllen, Texas, is hereby added and annexed to the City of McAllen, Texas, and said property herein described shall be included within the boundary limits of such city, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described are altered and amended so as to include said areas within the corporate limits of the City of McAllen. The description of the property to be annexed as shown in Exhibit A and more specifically described as follows:

**Tract 1:** 38.18 acres out of Lot 10, Block 4, Rio Bravo Plantation Company Subdivision as recorded in Volume W, Page 197, Deed Records of Hidalgo County, Texas, 3100 Military Highway. Involuntary.

**BEGINNING** at the current city limits located at the Northwest corner of Lot 10, Block 4, Rio Bravo Plantation Company Subdivision for the Northwest corner of the herein described tract;

THENCE, with the current city limits and the North line of Lot 10, in a southeasterly direction 1,320.0 feet to the Northeast corner of Lot 10 and the Northeast corner of the herein described tract;

THENCE, with the East line of Lot 10, in a southwesterly direction 1,260.0 feet to the north right-of-way line of Military Highway and the current city limits located 60.0 feet northeast of the Southeast corner of Lot 10 for the Southeast corner of the herein described tract;

THENCE, with the current city limits in a northwesterly direction and parallel with the South line of Lot 10, 1,320.0 feet to the West line of Lot 10 to the Southwest corner of the herein described tract;

THENCE, with the current city limits and with the West line of Lot 10, in a northeasterly direction 1,260.0 feet to the Northwest corner of Lot 10, and the **POINT OF BEGINNING**, containing 38.18 acres more or less.

**Tract 2:** 20.56 acres out of Lot 5, Section 280, Texas-Mexican Railway Company Survey as recorded in Volume 24, Page 168, Deed Records of Hidalgo County, Texas, 2600 State Highway 107. Voluntary.

**BEGINNING**, at the Northeast corner of Lot 5, section 280, Texas-Mexican Railway Company's Survey and the Point of Beginning of the following described tract of land;

THENCE, with the East line of Lot 5, South 8 degrees 53 minutes, West, 1,184.78 feet to a point on the North line of State Highway 107, and continuing a total of 1,356.78 feet to the South line of State Highway 107 for the Southeast corner hereof;

THENCE, with the South line of State Highway 107, as follows: North 81 degrees, 0 minutes, 50 seconds West, 365.83 feet, and North 80 degrees, 40 minutes, 30 seconds West, 294.17 feet, to a point for the Southwest corner hereof;

THENCE, North 8 degrees 55 minutes, 24 seconds East, 172.00 feet to the north right-of-way line of State Highway 107 and continuing a total of 1,356.62 feet to a point on the North line of Lot 5, for the Northwest corner hereof;

THENCE, with the North line of Lot 5, South 80 degrees, 52 minutes, 33 seconds West, 658.92 feet to the POINT OF BEGINNING, containing 20.56 acres of land more or less.

**SECTION II:** Pursuant to the provisions of Chapter 43 of the Texas Local Government Code, the following plans of service for the above described tracts as adopted on April 14, 2008 are hereby ordered to be carried out.

**SECTION III:** The hereinabove described property and the area so annexed shall be a part of the City of McAllen, Texas, and the property so added hereby shall bear its pro rata share of the taxes levied by the City of McAllen, Texas, and inhabitants thereof shall be entitled to all of the rights and privileges of the citizens of the City of McAllen, Texas, in areas having similar characteristics of topography, land utilization and population density, and shall be bounded by the acts, ordinances, resolutions and regulations of the City of McAllen, Texas.

**SECTION IV:** The zoning of the hereinabove described property shall be determined and ordained by the Board of Commissioners of the City of McAllen, Texas by an ordinance effective subsequent in time to the time of the final adoption of this Ordinance.

**SECTION V:** The extraterritorial jurisdiction of the City of McAllen shall expand in conformity with this annexation and shall comprise an area around the corporate limits of the City, consistent with Chapter 42 of the Texas Local Government Code.

**SECTION VI:** In computing the total amount of territory that the City of McAllen may annex in the year 2008, 20.56 acres hereby annexed are exempt or voluntary.

**SECTION VII:** Upon annexation of the hereinabove described property, the acreage within the city limits of McAllen after annexation will be increased in an amount which does not exceed the statutory limitations as set out in Chapter 43 of the Texas Local Government Code.

**SECTION VIII:** Tract 1 shall be included in single member district Number 4 and Tract 1 annexed hereby shall be in single member district Number 1 under the Single Member Voting Plan for City Commissioners elections.

**SECTION IX:** Upon the approval of the second and final reading hereof, the City

Secretary of the City of McAllen is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance, including the general description of the property annexed to be published in a newspaper of general circulation in McAllen, Hidalgo County, Texas and in the territory annexed hereinabove.

**SECTION X:** The City Secretary is hereby directed to correct the City maps in the office of the City Secretary and the City Engineer so as to add thereto the additional territory, indicating on the maps the date of annexation, the number of this Ordinance and a reference to the ordinance records of the City of McAllen where this Ordinance is recorded in full.

**SECTION XI:** If any part, phrase or sentence of this Ordinance is held void or unconstitutional by a Court of competent jurisdiction, or if any tract of land or portion of any tract of land hereby annexed shall be held to be ineligible for annexation or wrongfully annexed, the remaining portions of this Ordinance and the remaining tracts so annexed shall be considered severable and shall remain in full force and effect.

**SECTION XII:** In accomplishing the annexation of the territory annexed by this Ordinance, the City of McAllen has strictly followed the provisions of the State law and the cases as they apply to annexations and any possible deviation from special provisions was unintentional and not material to the accomplishment of this annexation.

**SECTION XIII:** This ordinance shall become effective immediately upon its passage and execution in accordance with the law.

**SECTION XIV:** This ordinance shall not be published in the Code of Ordinances of the City of McAllen, Texas as it is not amendatory thereof, however, it shall be cited in the appropriate appendix of the Code of Ordinances.

**FIRST READING**

**READ** in pertinent part, **CONSIDERED, PASSED** and **APPROVED** this 12th day of May, 2008 at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Local Government Code.

**SIGNED** this \_\_ day of May, 2008.

CITY OF McALLEN

By \_\_\_\_\_

Richard Cortez, Mayor

ATTEST:

\_\_\_\_\_  
Annette Villarreal, City Secretary

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**SECOND READING**

**READ** in pertinent part, **CONSIDERED, PASSED** and **APPROVED** this 23rd day of June, 2008 at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Local Government Code.

**SIGNED** this \_\_\_\_ day of June, 2008.

CITY OF McALLEN

By \_\_\_\_\_

Richard Cortez, Mayor

ATTEST:

\_\_\_\_\_  
Annette Villarreal, City Secretary

Approved as to form:

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Kevin D. Pagan, City Attorney