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**ORDINANCE NO.**

**AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "KITCHELL TRACT" ANNEXATION AREA, CONSISTING OF APPROXIMATELY 3 ACRES OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54 IN TRAVIS COUNTY, TEXAS; WAIVING ZONING APPLICATION FEES; AND APPROVING A SERVICE PLAN.**

10       **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

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12       **PART 1.** The Council finds that:

- 13           (A) Notice of the two public hearings concerning annexation of the territory  
14           described in Exhibit A was published in a newspaper of general circulation in  
15           the City of Austin and in the area to be annexed, and on the City of Austin  
16           internet website.
- 17           (B) The public hearings were held on February 28, 2008 and March 6, 2008 at the  
18           Austin City Hall, 301 West 2<sup>nd</sup> Street, Austin, Texas.
- 19           (C) The public hearings were concluded after providing an opportunity for all  
20           persons present to be heard with respect to the proposed annexation. A  
21           proposed Service Plan was made available and explained at the public hearings  
22           required by state law.
- 23           (D) The annexation, for full purposes, of the territory described in Exhibit A serves  
24           the interest of the current and future residents of the City of Austin.
- 25           (E) All procedural requirements imposed by state law for the full purpose  
26           annexation of the territory described in Exhibit A have been met.

27       **PART 2.** The present boundary limits of the City are amended to include the following  
28       territory which is within the extraterritorial jurisdiction and adjacent to the city limits of  
29       the City of Austin in Travis County, Texas, and which is annexed into the City for the  
30       full purposes:

31           Two tracts of land, the tract hereinafter described as Tract One containing  
32           approximately 2.06 acres of land out of the William H. Sanders Survey No. 54 in  
33           Travis County, Texas, and the tract of land hereinafter described as Tract Two  
34           containing approximately 1 acre of land out of the William H. Sanders Survey No.

54 in Travis County, Texas; of which approximately 3 acres of land are to be taken into and made a part of the City of Austin, Travis County, Texas; said 3 acres of land, more or less, being more particularly described in Exhibit A.

**PART 3.** The Service Plan attached as Exhibit B is approved as the Service Plan for the area.

**PART 4.** The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

**PART 5.** Zoning application fees are waived for property within the annexed area for a period of one year from the effective date of annexation.

**PART 6.** This ordinance takes effect on \_\_\_\_\_, 2008.

# PASSED AND APPROVED

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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk