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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 "PENINSULA ANNEXATION AREA", CONSISTING OF APPROXIMATELY 432 ACRES OF LAND OUT OF THE WILKENS ON SPARKS SURVEY, ABSTRACT NO. 21 AND THE DAVID THOMAS SURVEY NO. 1, ABSTRACT NO. 772 IN TRAVIS COUNTY, TEXAS; APPROVING A SERVICE PLAN; AND PROVIDING FOR EMERGENCY PASSAGE.

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

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 August 24, 2006 at the Austin City Hall, 301
18 West 2nd Street, Austin, Texas, and August 29, 2006, at the Episcopal Church of
19 the Good Shepherd, 3201 Windsor Rd., Austin, Texas.
- 20 (C) The public hearings were concluded after providing an opportunity for all
21 persons present to be heard with respect to the proposed annexation. A
22 proposed service plan was made available and explained at the public hearings
23 required by state law. The City and representatives of the area negotiated and
24 arbitrated regarding the service plan, and the City Council approved a final
25 service plan in Ordinance No. 20081106-024. The service plan attached to this
26 ordinance has been revised in response to decisions of the arbitrator, and serves
27 as the final service plan, and supersedes and replaces the previous service plan.
- 28 (D) The annexation, for full purposes, of the territory described in Exhibit A serves
29 the interest of the current and future residents of the City of Austin.
- 30 (E) All procedural requirements imposed by state law for the full purpose
31 annexation of the territory described in Exhibit A have been met.

32 **PART 2.** The present boundary limits of the City are amended to include the following
33 territory which is within the limited purpose jurisdiction and the extraterritorial
34 jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas,
35 and which is annexed into the City for the full purposes:

432 acres of land, more or less, out of the Wilkenson Sparks Survey, Abstract No. 21 and the David Thomas Survey No. 1, Abstract No. 772 in Travis County, Texas; said 432 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. Council finds that the annexation must be complete before January 31, 2009 under state law, and the need to complete the annexation by this date therefore constitutes an emergency. Because of this emergency, this ordinance takes effect on January 29, 2009 at 11:59 p.m., for the immediate preservation of the public peace, health and safety.

PASSED AND APPROVED

_____, 2009 § _____
§ _____
§ _____

Will Wynn
Mayor

APPROVED: _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk