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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 “BOULDER LANE ANNEXATION AREA”, CONSISTING OF APPROXIMATELY 18 ACRES OF LAND OUT OF THE ADAM E. LIVINGSTON SURVEY NO. 455, ABSTRACT NO. 478, IN TRAVIS COUNTY, TEXAS; WAIVING ANIMAL ENCLOSURE DISTANCE REQUIREMENTS IN CITY CODE CHAPTER 3-2; AND APPROVING A SERVICE PLAN.

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

PART 1. The Council finds that:

- (A) Notice of the two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed, and on the City of Austin internet website.
- (B) The public hearings were held on September 23, 2010 at the Austin City Hall, 301 West 2nd Street, Austin, Texas and September 30, 2010 at the George Washington Carver Museum & Cultural Center, 1165 Angelina Street, Austin, Texas.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan was made available and explained at the public hearings required by state law.
- (D) The annexation, for full purposes, of the territory described in Exhibit A serves the interest of the current and future residents of the City of Austin.
- (E) All procedural requirements imposed by state law for the full purpose annexation of the territory described in Exhibit A have been met.

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

1 18 acres of land, more or less out of the Adam E. Livingston Survey No. 455,
2 Abstract No. 478 in Travis County, Texas, said 18 acres of land, more or less,
3 being more particularly described in Exhibit A.

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

6
7 **PART 4.** The City Council declares that its purpose is to annex to the City of Austin
8 each part of the area described in Exhibit A as provided in this ordinance, whether any
9 other part of the described area is effectively annexed to the City. If this ordinance is
10 held invalid as to any part of the area annexed to the City of Austin, that invalidity does
11 not affect the effectiveness of this ordinance as to the remainder of the area.

12
13 If any area or lands included within the description of the area set out in Exhibit A are:
14 (1) presently part of and included within the general limits of the City of Austin; (2)
15 presently part of and included within the limits of any other city, town, or village; or (3)
16 are not within the jurisdiction or power of the City of Austin to annex, then that area is
17 excluded and excepted from the area annexed.

18
19 **PART 5.** The requirements of City Code Section 3-2-14 (*Enclosure for Livestock*) shall
20 be waived for a period of ten years from the effective date of this ordinance for
21 enclosures in existence on October 28, 2010 and within the area annexed by this
22 ordinance, provided that noncomplying animal enclosures are not expanded or enlarged
23 during this time period and that livestock or other animals in such enclosures are
24 otherwise kept in compliance with City Code, including the requirements of Section 3-2-
25 11 (*Enclosure Required*).

26
27 **PART 6.** This ordinance takes effect on December 31, 2010.

28
29 **PASSED AND APPROVED**

30
31 §
32 §
33 _____, 2010 § _____
34 Lee Leffingwell
35 Mayor

36
37
38 **APPROVED:** _____ **ATTEST:** _____
39 Karen M. Kennard Shirley A. Gentry
40 Acting City Attorney City Clerk