ORDINANCE NO.

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "AVAÑA PHASE 1" ANNEXATION AREA, CONSISTING OF APPROXIMATELY 28 ACRES OF LAND OUT OF THE H. W. COCKE SURVEY NO. 83, ABSTRACT NO. 127 IN HAYS COUNTY, TEXAS; 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 October 11, 2012, and October 18, 2012, at the Austin City Hall, 301 West 2nd 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 Hays County, Texas, and which is annexed into the City for the full purposes:

Two tracts of land, the tract hereinafter described as Tract One containing approximately 27 acres of land out of the H. W. Cocke Survey No. 83, Abstract No. 127 in Hays County, Texas; and the Tract hereinafter described as Tract Two containing approximately 1 acre of land out of the H. W. Cocke Survey No. 83,

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Abstract No. 127 in Hays County, Texas; said 28 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. This ordinance takes effect on December 17, 2012.

PASSED AND APPROVED

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_____, 2012 § _____
Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard
City Attorney

Shirley A. Gentry
City Clerk

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