

10-28-04
#12

ORDINANCE NO.

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "NELSON" AREA, CONSISTING OF APPROXIMATELY 165 ACRES OF LAND OUT OF THE PHILLIP MCELROY SURVEY NO. 18 AND THE JAMES BURLESON SURVEY NO. 19 IN TRAVIS COUNTY, TEXAS; DELAYING THE ENFORCEMENT OF THE UNIFORM FIRE CODE ARTICLE 78, SECTION 7802.2; ESTABLISHING CERTAIN INTERIM ZONING CLASSIFICATIONS; WAIVING ZONING APPLICATION FEES; 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 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 Thursday, September 30, 2004 at 6:00 p.m. and Thursday, October 7, 2004 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building, 3700 Lake Austin Boulevard, 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 as 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 land is annexed into the City for

full purposes:

Two tracts of land, the tract hereinafter described as Tract One containing 164 acres of land, more or less, out of the Phillip McElroy Survey No. 18 in Travis County, Texas and the tract hereinafter described as Tract Two containing 1 acre of land, more or less, out of the Phillip McElroy Survey No. 18 and the James Burleson Survey No. 19 in Travis County, Texas; the 165 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. For land that may be added to the area within 5,000 feet outside the city limits as a result of the passage of this ordinance, the fire chief shall delay enforcement of Uniform Fire Code Article 78, Section 7802.2 (*Seizure of Fireworks*), adopted by Code Section 25-12-171 (*Uniform Fire Code*), until January 19, 2005.

PART 6. The Council waives the classification requirement of Section 25-2-222 (*Designation of Annexed Land*) of the City Code for the property depicted in Exhibit A, (a portion of The Woodlands subdivision, C8J-04-0028), and classifies it as Interim Single Family Residence Small Lot ("I-SF-4A"), instead of the entire area being zoned as Interim Rural Residence ("I-RR") as specified in Section 25-2-222.

PART 7. Zoning application fees are waived for property within the annexed area for a period of one year from the effective date of annexation.

PART 8. This ordinance takes effect on December 31, 2004.

PASSED AND APPROVED

_____, 2004

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk