

**ORDINANCE NO. 14-010-00**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ANNEXATION PLAN TO ADD A PROPERTY TO THE PLAN; PROVIDING FOR THE AMENDMENT OF THE ANNEXATION PLAN; PROVIDING FOR ANNEXATIONS EXEMPT FROM THE ANNEXATION PLAN; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, it is necessary and reasonable for the City of Leander, Texas, a Texas home rule municipality, (herein the “City”) to provide, modify and amend the annexation plan for land in the extra territorial jurisdiction of the City; and

**WHEREAS**, the City in anticipation of growth and expansion desires to plan for the orderly and efficient growth of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Annexation Plan.** The Annexation Plan, adopted January 2, 2003, and subsequently amended January 20, 2005 to remove all properties listed in the Annexation Plan, is hereby amended to add a property to the Annexation Plan. The amended and revised Annexation Plan attached as Exhibit “A” is hereby adopted. From time to time the City Council may amend the Annexation Plan to add or remove properties. The Annexation Plan shall consist of all properties to be annexed under the City Charter and Texas Local Government Code § 43.052 that are not exempt from the Annexation Plan. Upon the addition of any property to the Annexation Plan, the city staff is hereby directed to enter the dates of completion of each task indicated on the Annexation Plan and to complete the dates in a timely fashion consistent with Chapter 43.

**Section 3. Annexations Exempt from the Plan.** All annexations by petition or under authority conferred to the City pursuant to the Texas Local Government Code that fall within one of the following categories shall not be placed on the Annexation Plan, land areas that:

- a. contain fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract;
- b. will be annexed by petition of more than 50 percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voter or real property owners;

- c. were the subject of:
  - (i.) an industrial district contract under § 42.044, Tex. Loc. Gov't Code; or
  - (ii.) a strategic partnership agreement under Section § 43.0751, Tex. Loc. Gov't Code.
- d. are located in a colonia;
- e. are annexed under specific annexation grants in the Tex. Loc. Gov't Code, such areas being:
  - (i.) owned by the City;
  - (ii.) a navigable stream adjacent to and within the ETJ of the City; or
  - (iii.) authorized to be annexed pursuant to §§ 43.029, 43.031 or 43.035 Tex. Loc. Gov't Code; or
  - (iv.) as otherwise authorized pursuant to Tex. Loc. Gov't Code, Chapter 43.
- f. are located completely within the boundaries of a closed military installation; or
- g. the municipality determines are necessary to be annexed to protect the City or an area proposed for annexation from:
  - (i.) imminent destruction of property or injury to persons; or
  - (ii.) a condition or use that constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state.

**Section 4. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. Amendment of Ordinance No. 02-058-01.** Ordinance number 02-058-01 is hereby amended in its entirety as provided in this Ordinance and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. The effect of the amendment is to add to the Annexation Plan a property that is not exempt. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

**Section 6. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

**PASSED AND APPROVED** on this the 6<sup>th</sup> day of March, 2014.

**ATTEST:**

**THE CITY OF LEANDER, TEXAS**

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Debbie Haile, City Secretary

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Christopher Fielder, Mayor

Annexation Plan for the City of Leander  
[March 6, 2014]

EXHIBIT "A"

Property Description	Date: Added to Plan	Date: Inventory Complete	Date: Service Plan Draft	Date: Removed from Plan
Falcon Oaks Subdivision	March 6, 2014			