

ORDINANCE NO. 2024-09

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS DIS-ANNEXING .082 +/- ACRE TRACT OF LAND LOCATED AT 33565 IH 10 WEST FROM THE CORPORATE LIMITS OF THE CITY; AUTHORIZING NECESSARY ACTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (at the request of property owners Chad and Kerri Properties LP)

WHEREAS, the City of Boerne, Texas (the "City"), is a home rule municipality authorized by the City's Charter to disannex territory lying within the City; and

WHEREAS, a Petition for Disannexation was received and filed with the City on May 22, 2024; and

WHEREAS, the City desires that certain property be disannexed from the corporate territorial limits of the City; and

WHEREAS, the property to be disannexed can be fully described as shown on the legal description attached as Exhibit A; and

WHEREAS, the property to be disannexed is contiguous to the City; and

WHEREAS, the disannexation procedure outlined herein complies with that set out for sparsely populated areas found in Chapter 43 of the *Tex. Loc. Gov't. Code* for general law municipalities; and

WHEREAS, home rule municipalities have powers co-extensive with general law municipalities unless expressly limited by that city's home rule charter; and

WHEREAS, the City's Charter contains no such limitation; and

WHEREAS, the disannexation of the property is in the interest of both the City and citizens of the City of Boerne, Texas;

WHEREAS, the City Council, pursuant to the authority of the City's Charter, instituted proceedings for the disannexation of the subject property; and

WHEREAS, a public hearing was conducted prior to consideration of this ordinance in accordance with § 44.063, *Tex. Loc. Gov't Code*; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation in the City and the territory proposed to be disannexed not more than twenty (20) nor less than ten (10) days prior to the public hearing;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and

correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the subject property described below is hereby disannexed from the corporate limits of the City of Boerne:

- a. The legal description of the subject property is attached hereto as Exhibit A.
- b. A map of the subject property is attached hereto as Exhibit B.

SECTION 3. That the Service Plan previously adopted for the subject property is no longer in effect as to the subject property only

SECTION 4. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to remove the subject property from the city limits of Boerne, Texas.

SECTION 5. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. That this Ordinance shall take effect immediately upon and after its passage and publication as may be required by governing law.

SECTION 7. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent with or in conflict with the terms and provisions contained herein are hereby repealed only to the extent of such conflict.

SECTION 8. That 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 first reading this the ____ day of June, 2024.

PASSED, APPROVED and ADOPTED on second reading this ____ day of June, 2024.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney