

Ordinance No. 107

An ordinance by the City Council of the City of Payne Springs, Texas, relating to actions heretofore taken by this governing body with respect to the annexation of the Cherokee Hills Subdivision; making certain findings in connection therewith; ordering the creation of a book, as a part of the records of the City maintained by the City Secretary to be known as "Boundaries of the City of Payne Springs" in which all proceedings relating to the creation of the City, as well as the annexations thereto and the detachment of territory therefrom shall be recorded; ordering a copy of a description and plat of the area of Cherokee Hills Subdivision as was sought to be annexed by the City in 1995 be attached to the petition for annexation; and declaring an emergency.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS, TEXAS:

Section 1: It is hereby found and determined that:

A. A petition has heretofore been presented to this City Council on March 21, 1995, requesting that certain territory, as therein described (being all of the Cherokee Hills Subdivision), be annexed to this City, and thereafter, on April 15, 1995, Dick Henderson, who was at that time the duly elected and qualified Mayor of this City, executed a certificate to the effect that the petition for annexation met the requirements for annexation as set forth in Section 43.025 of The Local Government Code as well as Chapter 1, Section 14-06 of the City Code of this City;

B. The "Exhibit A," which was attached to the petition for annexation, contained a metes and bounds description of the area which was proposed for annexation on one side of a sheet of paper and on the other side of such sheet of paper was a plat of such area which was identical to the plat which was presented to this Council when City approval of the Subdivision in the City's extra-territorial jurisdiction was sought; a copy of such plat as well as a metes and bounds description prepared on the basis thereof, is attached to this Ordinance (labeled Exhibit A) for the purpose of identification;

C. After due notice, the first public hearing before this Council on the proposed annexation was held on May 16, 1995 and a second hearing was held on the same subject on June 20, 1995;

D. On June 20, 1995 ordinance number 101 was adopted by this City Council annexing the area described in the aforesaid petition, as presented to this Council.

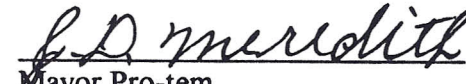
Section 2: The factual findings set forth in the preceding section find support in the

various affidavits which are attached to this ordinance as a group, labeled Exhibit B.

Section 3: It has been suggested that a separate book entitled "Boundaries of the City of Payne Springs" shall be maintained by the City Secretary in which be kept all of the proceedings relating to the incorporation of the City of Payne Springs (as may have been obtained from the County officials) as well as all of the proceedings relating to the annexation of territory to the City and any detachment of territory from the City. The suggestion is hereby adopted. The City Secretary shall cause such a book to be acquired (which may be in the form of a loose leaf notebook) in which true copies of all such documents and proceedings shall be placed. The City Secretary, rather than maintaining duplicate copies of petitions, notices, resolutions, or ordinances, may cause the originals of such documents to be placed in the book with corresponding notations or marginal notes in the minute books that the "Boundaries Book" contains the documents mentioned in the minutes. It shall be sufficient with respect to this ordinance to cause a copy of Exhibit A, which is attached to this ordinance, to be attached to the petitions for annexation to which reference is made in section 1 in order that the records of the city will be accurate.

Section 4: The fact that the metes and bounds description and plat of the territory annexed to the City by the proceedings mentioned in section 1 have become detached from the petition for annexation in the records of the City, but such information is contained in other records of the City a plat of the territory annexed was contained it is essential that the records of the city speak the truth, and the further fact there is a practical necessity of having all boundary proceedings of the City combined in a single book, create an emergency and imperative public necessity that this ordinance be adopted at the meeting where it is first introduced despite any procedural rule to the contrary, and it is so ordained.

Passed and adopted this 26th day of August, 1997.


Mayor Pro-tem.


City Secretary