

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS DEFINING THE BOUNDARIES OF THE CITY OF PLUM GROVE, TEXAS; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR OTHER PROVISIONS.

WHEREAS, the City Council of the City of Plum Grove, Liberty County , Texas has studied the history and incorporation of the City of Plum Grove, Texas, the population of the City of Plum Grove, Texas; and

WHEREAS, the City Council of the City of Plum Grove was incorporated on or about December 31, 1968 as a Type B municipality in accordance with the law existing at the time of the incorporation; and

WHEREAS, the city changed to a Type A general law city by ordinance number _____; and

WHEREAS, Chapter 41, of the Texas Local Government Code provides that a municipality shall prepare a map that shows the boundaries of the municipality and of its extra-territorial jurisdiction; and

WHEREAS, Chapter 41.144 of the Texas Local Government Code allows the mayor and governing body of a general law city to discontinue a part of a municipality; and

WHEREAS, the area shown on exhibit "A" meets the qualifications of Chapter 41.144 of the Texas Local Government Code; and

WHEREAS, the map attached as exhibit "B" show the new boundaries of the City of Plum Grove, Texas after the disannexation of the areas on exhibit "B";

WHEREAS, the City of Plum Grove, Liberty County, Texas ("City") is empowered to adopt an ordinance, act, law, or regulation that is necessary for the government, interest, welfare, or good order of the municipality as a body politic;

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

ARTICLE I

SECTION 1. Findings.

The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council, and these and made a part hereof for all purposes.

SECTION 2.

The area described in the attached Exhibit "A" is hereby disannexed from the City of Plum Grove, Texas. The City Council further finds that no municipal taxes or fees have been charged, assessed or collected from the landowners that own property in Exhibit "A".

SECTION 3.

The City Council of the City of Plum Grove, Texas hereby adopts as the boundaries of the City of Plum, Grove Texas, the map attached hereto as Exhibit "B" and the metes and bounds attached hereto as Exhibit "C" that correspond with the map that is Exhibit "B".

SECTION 4.

The Mayor is instructed to enter in the minutes of the city an order discontinuing the area described as Exhibit "A" upon the adoption of this Ordinance.

SECTION 5.

The City Secretary is instructed to file a copy of this Ordinance and Certificate of Proceedings with the County Clerk of Liberty County Texas.

SECTION 6. Severability.

It is the intention of the City Council of the City of Plum Grove Village that if any phrase, sentence, section, or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment or a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

SECTION 7. Repealing Clause.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 8. Compliance Clause and Effective Date.

The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Plum Grove Village. This Ordinance takes effect immediately upon the adoption by the City Council of the City of Plum Grove, Texas.

PASSED, APPROVED and ADOPTED by the City Council of the City of Plum Grove, Liberty County, Texas on this, the _____ day of _____, 2015.

_____, **MAYOR**

ATTEST:

Stephanie Denman, **CITY SECRETARY**

APPROVED AS TO FORM:

Leonard Schneider, City Attorney