

ORDINANCE NO. {{item.sequential_number}}
(FY-24-4-ANX)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 80.40 ACRES OF LAND SITUATED IN THE STEPHEN FRAZIER SURVEY, ABSTRACT NO. 311, AND THE STEPHEN FRAZIER SURVEY, ABSTRACT NO. 329, IN THE CITY OF TEMPLE'S SOUTH EXTRATERRITORIAL JURISDICTION, GENERALLY LOCATED SOUTH OF FM 93 AND WEST OF WITTER LANE, IDENTIFIED AS ALL, OR PORTIONS, OF BELL COUNTY TAX APPRAISAL NUMBERS 148512 AND 79023, AND ADDRESSED AS 7948 AND 8198 WITTER LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 43 of the Texas Local Government Code (LGC) governs the annexation process and requires that land to be annexed must be in the municipality's extraterritorial jurisdiction (ETJ) and contiguous to the municipality - the subject property is within the City's southern ETJ;

Whereas, LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation - on March 13, 2024, a written request for voluntary annexation was received from property owner Bell Temp, LLC for approximately 80.40 acres of land, as shown and being more particularly described by metes and bounds in Exhibit A;

Whereas, prior to annexing an area of land, the City must offer the property owner a development agreement if the area would be eligible for an agreement under LGC Chapter 212, Subchapter G and appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber use pursuant to Chapter 23 of the Texas Tax Code - the property owner was offered and rejected the offer for a development agreement on March 18, 2024;

Whereas, the City and property owner have entered into written agreement for the provision of municipal services in the area - before offering the proposed municipal services agreement to the property owner, the proposed agreement was circulated to all relevant City departments to determine the services that would be provided on the effective date of the annexation, such as fire, police, solid waste disposal, and code enforcement and no issues were identified by any of the reviewing departments;

Whereas, the agreement was offered on April 24, 2024 and the property owner accepted the proposed agreement - the City is not required to provide a service that is not included in the agreement;

Whereas, LGC § 43.0673 requires that the City hold one public hearing prior to adopting an ordinance annexing an area on the written request of a landowner - the City's Charter requires a second reading to adopt the annexation ordinance, which will be held on August 15, 2024;

Whereas, LGC §§ 43.905 and 43.9051 require a City to provide written notice regarding any financial impact caused by the proposed annexation to the affected school district as well as the political subdivisions and public entities that provide services in the area;

Whereas, the public entities, political subdivisions, and the Belton Independent School District were notified by certified mail from the City on July 17, 2024 - while the City will notify all of the public entities required by State law about the potential fiscal impact on those organizations, a better understanding of that impact can be determined once the owner develops the property in the future;

Whereas, upon approval of an expected rezoning request, the annexation will allow for a future single-family subdivision and warehouse office use development to include single-family units and warehouse office use opportunities along FM 93;

Whereas, Planning Staff has not received a request for a Conditional Use Permit at this time; however, Staff has met with the owner/developer regarding the aforementioned uses and process - in addition to the rezoning, a subdivision plat will be required prior to the expected development;

Whereas, this item was not reviewed by any of the official boards and commissions, but was discussed in a Pre-Development meeting on January 5, 2024 and no issues were identified - further discussion about proposed uses and impacts will be addressed during the rezoning and platting stages of development;

Whereas, the annexation, along with the acceptance of the municipal service agreement, does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the approximately 80.40-acre tract of land - if the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves the voluntary annexation of approximately 80.40 acres of land situated in the Stephen Frazier Survey, Abstract No. 311, and the Stephen Frazier Survey, Abstract No. 329, in the City of Temple's south Extraterritorial Jurisdiction, generally located south of FM 93 and west of Witter Lane, identified as all, or portions, of Bell County Tax Appraisal Numbers 148512 and 79023, and addressed as 7948 and 8198 Witter Lane, further described in Exhibit A, attached hereto and incorporated herein for all purposes.

Part 3: The services plan submitted in accordance with Chapter 43 of the Texas Local Government Code, attached hereto and made a part hereof as Exhibit B, is hereby approved as part of this Ordinance.

Part 4: The official map and boundaries of the City of Temple are hereby amended to include the annexed Property as part of the City of Temple.

Part 5: The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.

Part 6: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 3.

Part 7: If the taking of any territory annexed by this Ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this Ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to ensure that the boundary description closes.

Part 8: 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 section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause, or phrase.

Part 9: Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 10: Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was 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.

PASSED AND APPROVED on First Reading and Public Hearing on the 1st day of **August, 2024**.

PASSED AND APPROVED on Second and Final Reading on the 15th day of **August, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney