

ORDINANCE NO. {{item.sequential\_number}}  
(FY-24-6-ANX)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 19.142 ACRES OF LAND SITUATED IN THE DAVID MEADOR SURVEY, ABSTRACT NO. 577 AND THE JOHN CUMMINGS SURVEY, ABSTRACT NO. 178 IN THE CITY OF TEMPLE'S EXTRATERRITORIAL JURISDICTION, AND ADDRESSED AS 9738 WEST HIGHWAY 36; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**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) as well as contiguous to the municipality - the subject property is within the City's northern ETJ;

**Whereas**, LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation - on June 20, 2024, a written request for voluntary annexation was received from property owner Stallion Development Services, LLC for a total of approximately 19.142 acres of land, as shown and being more particularly described 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 Chapter 212, Subchapter G of the LGC 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 offers for a development agreement on August 7, 2024;

**Whereas**, the City and property owner have entered into a 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;

**Whereas**, no issues were identified by any of the reviewing departments and the property owner accepted the proposed Agreement, which was offered on September 13, 2024 - 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 and the City's Charter requires a second reading to adopt the annexation ordinance - the second reading is scheduled for February 6, 2025;

**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 - the public entities, political subdivisions, and the Belton Independent School District were notified via certified mail by the City on December 20, 2024;

**Whereas,** while the City of 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,** a Conditional Use Permit (CUP) for a recreational vehicle (RV) park has been submitted for this property and the annexation is required for the proposed RV park - approval of both the CUP and a subdivision plat will be required before building permits can be issued, and the plat will be considered subsequent to the approval of both the annexation and the CUP;

**Whereas,** the annexation, along with the acceptance of the Municipal Services 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 19.142-acre tract of land;

**Whereas,** if the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City - the City will provide municipal services in accordance with the Municipal Services Agreement; 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 19.142 acres of land situated in the David Meador Survey, Abstract No. 577 and the John Cummings Survey, Abstract No. 178 in the City of Temple's Extraterritorial Jurisdiction, and addressed as 9738 West Highway 36, further described by the survey and field notes attached hereto and incorporated herein as Exhibit A.

**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, Texas are hereby amended to include the annexed Property as part of the City of Temple, Texas.

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

**Part 6:** The annexed Property shall be included in, and become a part of, the City of Temple, Texas, City Council Election District Number 1.

**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 shall 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 City 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 **16<sup>th</sup>** day of **January, 2025**.

PASSED AND APPROVED on Second and Final Reading on the **6<sup>th</sup>** day of **February, 2025**.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Liz Caraway  
Deputy City Secretary

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Kathryn H. Davis  
City Attorney