

ORDINANCE NO. 2000-8

AN ORDINANCE ADOPTING AN ANNEXATION PLAN IN COMPLIANCE WITH SECTION 43.052 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

Tex. Local Gov't Code § 43.052(c) provides:

A municipality shall prepare an annexation plan that specifically identifies annexations that may occur beginning on the third anniversary of the date the annexation plan is adopted. The municipality may amend the plan to specifically identify annexations that may occur beginning on the third anniversary of the date the plan is amended.

Tex. Local Gov't Code § 43.052 (h) provides:

This section does not apply to an area proposed for annexation if:

- (1) the area contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract;
- (2) the area will be annexed by petition of more than 50 percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voters or real property owners as provided by Subchapter B;
- (3) the area is or was the subject of:
 - (A) an industrial district contract under Section 42.044; or
 - (B) a strategic partnership agreement under Section 43.0751;
- (4) the area is located in a colonia, as that term is defined by Section 2306.581, Gov't Code;
- (5) the area is annexed under Section 43.026, 43.027, 43.029, or 43.031;
- (6) the area is located completely within the boundaries of a closed military installation; or
- (7) the municipality determines that the annexation of the area is necessary to protect the area proposed for annexation or the municipality from:
 - (A) imminent destruction of property or injury to persons; or
 - (B) a condition or use that constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state.

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

1.

The City of Victoria adopts the following annexation plan: Areas proposed for annexation that may only be annexed if listed on an annexation plan pursuant to Section 43.052 of the Texas Local Government Code: none currently listed

2.

This annexation plan was adopted pursuant to Section 43.052 of the Texas Local Government Code and is not intended to supercede or be superceded by any annexation plan adopted by the City of Victoria for any other purpose.

3.

Until this annexation plan is amended or re-adopted, it shall automatically renew on December 31st of every year for a subsequent three-year period, unless the plan is modified prior to December 31st of the year of renewal.

4.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this 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.

5.

The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, Section 10 of the City Charter.

6.

This ordinance shall become effective 10 days after final passage and approval.

APPROVED AND ADOPTED, this the 4th day of April, 2000.