

**ORDINANCE NO. 482**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED REAL PROPERTY BEING 92.425 ACRES GENERALLY LOCATED SOUTHEAST OF THE SHOPS OF THE GALLERIA INTO THE CITY OF BEE CAVE, TEXAS, WHICH PROPERTY IS MORE FULLY DESCRIBED IN EXHIBIT A, INTO THE CITY OF BEE CAVE, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID PROPERTY; DIRECTING THE CITY SECRETARY TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH CERTAIN AUTHORITIES; DIRECTING THAT THE MAP OF THE CITY BOUNDARIES AND EXTRATERRITORIAL JURISDICTION BE REVISED TO INCLUDE THE ANNEXED TERRITORY; PROVIDING FOR APPROVAL OF THE SERVICE PLAN ATTACHED HERETO AS EXHIBIT "B"; GRANTING TO SAID PROPERTY AND ALL FUTURE INHABITANTS ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING FOR SEVERABILITY; PROPER NOTICE AND MEETING; EFFECTIVE DATE.**

**WHEREAS**, all owners of the Property were notified as required by law, providing notice of the annexation, the scheduled public hearings date, time, and location, and a copy of the City's annexation service plan for the Property which Property is more particularly described in Exhibit "A", which Exhibit is composed of "A1" (Metes and Bounds Description), and "A2" (Map of Annexation Area) attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the Property was included in a "Development Agreement" dated December 13, 2016 between the City of Bee Cave and the owner of the Property in accordance with the requirements of Local Gov't Code § 43.035 which allows property to be excluded from annexation for a period of time if appraised for ad valorem purposes and used as agricultural and/or wildlife management property; and

**WHEREAS**, the Development Agreement provides for voluntary annexation by the landowner in the event that the Property is no longer used for agricultural and/or wildlife management purposes or the landowner proposes development of the Property which requires a development permit from the City; and

**WHEREAS**, the Property is also subject to a "Consent Agreement" dated February 10, 2021 between the City of Bee Cave and the owner of the Property that stipulates the Property is to be annexed; and

**WHEREAS**, the Consent Agreement stipulates that its execution is considered a

development application and a request to initiate annexation proceedings; and

**WHEREAS**, the landowner has requested approval of a subdivision application thereby triggering the voluntary annexation requirements of the Development Agreement;

**WHEREAS**, notice of the public hearing was published and posted as required by law and all interested persons were provided with an opportunity to be heard in accordance with. Local Gov't Code § 43.0673; and

**WHEREAS**, the Property being annexed pursuant to this ordinance is the property described in Exhibit "A"; and

**WHEREAS**, the City of Bee Cave is a home rule city with a population in excess of 5,000 persons and is authorized by the Texas Local Government Code, the Development Agreement, the Consent Agreement, and the City Charter to annex the Property; and

**WHEREAS**, the Property is adjacent to and contiguous to the boundaries of the City; and

**WHEREAS**, the Property to be annexed is within the City's extraterritorial jurisdiction and is not within the extraterritorial jurisdiction or corporate limits of any other city; and

**WHEREAS**, a service plan for the Property has been prepared as required by law, and a copy of that service plan is attached hereto as Exhibit "B" and incorporated herein for all purposes; and

**WHEREAS**, the City has complied with all conditions precedent established under the Texas Local Government Code necessary to take this action annexing the Property.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:**

**SECTION 1. PREAMBLE.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Bee Cave and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2. ANNEXATION.** That the Property described in Exhibit "A" (consisting of Exhibits "A1 and A2") attached hereto, lying outside of, but adjacent to and adjoining the City, is hereby annexed to the City of Bee Cave, Texas and the boundaries of said City are extended to include the above-described Property within the territorial limits of said City and said land and future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Bee Cave, Texas and shall be bound by the acts and ordinances of said City.

The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is hereby directed to file a certified copy of this Ordinance with the County Clerk of Travis County, Texas, the Voting Registrar of Travis County, the Travis County Appraisal District and the Comptroller of the State of Texas, in the manner required by law.

That the City map showing the boundaries of the City and its Extraterritorial Jurisdiction shall be immediately revised to include the Property and be annotated to show the date of the annexation, the number of the annexation ordinance, and the date of its adoption.

That the service plan for the Annexation Area, attached hereto as Exhibit "B" is hereby approved as part of this Ordinance and incorporated herein for all purposes.

**SECTION 3. SEVERABILITY.** That if any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 4. PROPER NOTICE OF MEETING.** That written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least 72 hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and formally acted upon.

That this Ordinance is effective immediately upon its passage and approval and publication as may be required by governing law.

PASSED by an affirmative vote of the City Council this \_\_\_\_ day of June, 2022.

APPROVED:

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Kara King, Mayor  
City of Bee Cave, Texas

ATTEST:

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Kaylynn Holloway, City Secretary  
City of Bee Cave, Texas

(SEAL)

**APPROVED AS TO FORM:**

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City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

**Exhibit A**  
Property Description

**Exhibit B**  
**Service Plan**