

**CITY OF SEGUIN**

**ORDINANCE NO.:**

**STATE OF TEXAS**

**AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS, CONTRACTING THE CORPORATE LIMITS OF THE CITY OF SEGUIN BY THE REMOVAL OF 81.517 ACRES, MORE OR LESS FROM THE 396.22 ACRES, MORE OR LESS OF LAND ANNEXED BY ORDINANCE 2013-12 THEREBY AMENDING SAID ORDINANCE TO INCLUDE ONLY 314.703 ACRES, MORE OR LESS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on January 15, 2013, by Ordinance No. 2013-12, the City annexed 396.22 acres, more or less, of land consisting primarily of right-of-way for State Highway 130 ("SH 130"), from the Intersection of SH 130 and the Union Pacific Railroad to the Intersection of SH 130 and FM 20; and

**WHEREAS**, Section 1.04 of the Charter for the City of Seguin provides that the corporate limits of the City may be contracted by any method for disannexation authorized by Texas law; and

**WHEREAS**, Section 43.142 of the Texas Local Government Code provides that a home-rule municipality may disannex an areas in accordance with rules provided by the City Charter and not inconsistent with the rules of Chapter 43; and

**WHEREAS**, the Seguin City Charter does not provide for any other rules or procedures for disannexation; and

**WHEREAS**, upon review city staff has come to the conclusion that the most northerly section of the territory, comprising 81.517 acres of land, more or less, as shown on the attached Exhibit "1", that was annexed as part of Ordinance 2013-12, should not have been included in the annexation and is not necessary for the City's needs; and

**WHEREAS**, City staff recommends that the City Council remove the 81,517 acre, more or less, tract of land from the City limits, comprising of SH130 right-of-way and any surrounding land, thereby contracting said corporate limits as shown in the attached Exhibit "B;" and

**WHEREAS**, there are no persons or utilities living on the land proposed for disannexation who would be effected thereby.

**NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:**

**SECTION ONE.** The City Council finds that the above stated Recitals are true and that said Recitals are hereby adopted, in full, as part of this Ordinance.

**SECTION TWO.** By this Ordinance the City Council hereby contracts the corporate limits of the City of Seguin by the removal of 81.517 acres of land, more or less, as shown on the attached Exhibit "1", from the 396.22 acres, more or less, annexed by Ordinance 2013-12.

**SECTION THREE.** Ordinance 2013-12 is hereby amended to include 314.703 acres, more or less, as shown on the attached Exhibit "2" said exhibit to now become part of Ordinance 2013-12 as if so included at the outset.

**SECTION FOUR.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION FIVE.** . The City Secretary is hereby directed to file with the County Clerk of Guadalupe County, a certified copy of this Ordinance and Ordinance 2013-12, as amended herein.

**SECTION SIX.** In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall become effective ten days from passage on second reading and shall be published in a newspaper of general circulation.

**PASSED AND APPROVED** on first reading this 20<sup>th</sup> day of June 2017

**PASSED, APPROVED and ADOPTED** on second reading on July 5, 2017.

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Don Keil, Mayor

ATTEST:

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Naomi Manski, City Secretary