ORDINANCE NUMBER 1041

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BURKBURNETT; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS; GRANTING TO THE TERRITORY AND TO ALL FUTURE INHABITANTS ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City owns an approximately 107.9 acre tract of land with the legal description of 107.9 AC ABST 1 ANDERSON WM H, Wichita County, Texas, commonly known as the River Creek Golf Course (the “Property”);

WHEREAS, the Board of Commissioners approved the annexation of the Property at their meeting on February 27, 2023;

WHEREAS, the Property is within the Burkburnett extra-territorial jurisdiction;

WHEREAS, the City approached owners of land adjacent to its City limits and the Property in an attempt to enter into development agreements under Texas Local Government Code Chapter 212 Subchapter G and Chapter 43, Sec. 43.016 in which the City guaranteed continuation of extraterritorial status and made the application of City laws in accordance with the agricultural status of the property;

WHEREAS, the landowners declined to enter into development agreements;

WHEREAS, a municipality may annex noncontiguous property in which the municipality offers owners of land adjacent to the municipal limits and the area to be annexed an agreement to guarantee of continued extraterritorial status and ensures enforcement of municipal regulations and planning authority will not interfere with the agricultural use and the landowner declines to make the agreement;

WHEREAS, when a municipality follows the provisions of Local Government Code Sec. 43.016(b) and Chapter 212, Subchapter G, an area to be annexed is considered adjacent to the city limits if the area to be annexed is adjacent to the area that was the subject of the declined development agreement;

WHEREAS, annexation of an area owned by a municipality that is not contiguous to other territory of the municipality does not expand the extraterritorial jurisdiction of the municipality;

WHEREAS, the City has prepared a service plan for the tract which is available at City Hall;
WHEREAS, the City has published notice of hearing on the annexation; and

WHEREAS, after hearing the petition and arguments for and against the same, the Burkburnett Board of Commissioners has voted to annex the Property into the City.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS:

SECTION 1: That the property described in Exhibit “A” attached hereto and incorporated by reference is hereby annexed into the City, and the boundary limits to the City are hereby extended to include the described territory within the city limits of the City. The annexed property and the future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City and shall be bound by the acts and ordinances of the City.

SECTION 2: That the municipal service plan for the herein annexed territory attached hereto as Exhibit “B” is hereby adopted.

SECTION 3: This ordinance shall become effective upon its final passage.

SECTION 4: That the City Clerk is hereby directed to file with the county clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this ordinance.

PASSED AND APPROVED ON THIS THE 21ST DAY OF AUGUST 2023.

____________________________________
Lori Kemp, Mayor

ATTEST:

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Margie Poole, City Clerk