

ORDINANCE NO. 11-02

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTON LAKES, TEXAS, RELEASING CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 565.57 ACRES IN FORT BEND COUNTY WITHIN THE FULBROOK SUBDIVISION, FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WESTON LAKES; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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WHEREAS, the residents of the Fulbrook Subdivision have petitioned the City of Weston Lakes, Texas (the "City") to be released from the City's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the City of Weston Lakes does not recognize the enforceability of the newly adopted Section 42.0251 of the Local Government Code, due to such law being an unconstitutional local law; however, the City Council of the City has elected to listen to the requests of its ETJ residents; and

WHEREAS, the Fulbrook residents located within the City's ETJ have requested the City to reduce its area of ETJ by releasing therefrom a certain 565.57-acre tract of land, said 565.57-acre tract being hereafter referred to as the "Released Tract," said Released Tract being more particularly described and depicted by metes and bounds description attached hereto as Exhibit "A," along with a survey/map attached hereto as Exhibit "B" and for all things made a part hereof; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON LAKES, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Pursuant to and in accordance with Section 42.023, Texas Local Government Code, the City Council of the City hereby consents to the reduction of its area of ETJ by releasing therefrom the Released Tract.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED AND APPROVED by a vote of All "ayes" in favor and NO "nays" against on this first and final reading on the 25th day of October, 2011.

ATTEST:

APPROVED:



Marlee Freeman
City Secretary



Mary Rose Zdzunkewicz
Mayor