

**ORDINANCE NO. 2009-O-113**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS PROVIDING FOR THE ANNEXATION, AT THE LANDOWNER'S REQUEST PURSUANT TO LOCAL GOVERNMENT CODE SECTION 43.028, OF APPROXIMATELY 27.73 ACRES OF UNINHABITED OR SPARSELY OCCUPIED AND UNDEVELOPED PARCELS OF LAND CONTIGUOUS AND ADJACENT TO THE EXISTING BOUNDARY LIMITS OF THE VILLAGE OF VOLENTE, AS IDENTIFIED IN THE PETITION FOR ANNEXATION FILED BY GRASON VOLENTE INVESTMENTS, LTD. ON OR ABOUT OCTOBER 15, 2009; ZONING THE ANNEXED LAND AS A PLANNED DEVELOPMENT DISTRICT AND MAKING IT A PART OF THE PLANNED DEVELOPMENT DISTRICT ESTABLISHED UNDER ORDINANCE NO. 2006-1023; PROVIDING FOR INHABITANTS' RIGHTS AND PRIVILEGES; REQUIRING COMPLIANCE WITH VILLAGE ORDINANCES AND REGULATIONS; ESTABLISHING FILING AND PUBLICATION REQUIREMENTS; AND PROVIDING FOR EFFECTIVE DATE AND PUBLIC NOTICE AND OPEN MEETING REQUIREMENTS**

WHEREAS, Grason Volente Investments, Ltd. ("Grason") filed an acknowledged Petition for Annexation with the Village of Volente on or about October 15, 2009, requesting that the Village annex certain parcels of land owned by it, identified as the approximately 27.73 acres shown and described as Tracts V-1, V-2, V-3, V-4, V-5, and V-6 in the attached Exhibit "A".

WHEREAS, Grason requests that the identified parcels of land be annexed into the Village of Volente pursuant to Section 43.028 of the Texas Local Government Code ("Authority of Municipalities to Annex Sparsely Occupied Area on Petition of Area Landowners"); and

WHEREAS, the parcels to be annexed are: (1) one-half mile or less in width; (2) contiguous and adjacent to the Village of Volente; and (3) vacant and without residents or occupied by fewer than three qualified voters; and

WHEREAS, the Village Council has determined and finds that the annexation will advance quality urban planning and development and serve the best interests of all citizens; and

WHEREAS, this annexation, along with the simultaneous disannexation of certain parcels of land under Ordinance No. 2009-0-112, will adjust the Village of Volente's corporate boundaries and the City of Austin's extraterritorial jurisdiction pursuant to the terms of

the Interlocal Agreement executed by the Village of Volente on February 7, 2008 and by City of Austin on March 17, 2008; and

**WHEREAS**, two public hearings were held before the Village Council of the Village of Volente, Texas on October 20, 2009 and November 17, 2009, at which times all interested persons were provided an opportunity to be heard on the proposed annexation of the parcels described herein; and

**WHEREAS**, the Village Council granted Grason's Petition for Annexation after the 5<sup>th</sup> day and before the 30<sup>th</sup> day after the Petition for Annexation was filed;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:**

**Section 1. Petition for Annexation Granted.**

Pursuant to Tex. Loc. Gov't Code. § 43.028, the Petition for Annexation is hereby granted, and the parcels of land described in Exhibit "A" as Tracts V-1, V-2, V-3, V-4, V-5, and V-6, are annexed and hereby included within the boundary limits of the Village of Volente, Texas, and the present boundary limits of the Village at the various points contiguous and adjacent to the areas being annexed are altered and amended so as to include said areas within the corporate limits of the Village of Volente, Texas.

**Section 2. Annexed Area Zoned a PDD**

The annexed land is hereby zoned a Planned Development District and made a part of the Planned Development District established under Ordinance No. 2006-1023.

**Section 3. Inhabitants' Rights and Privileges and Compliance with Village Ordinances and Regulations.**

Upon the Effective Date of this ordinance, the inhabitants of the annexed territory shall be entitled to all the rights and privileges of all the citizens of the Village of Volente and shall be bound by the acts, ordinances, resolutions, and regulations of the Village of Volente.

**Section 4. Filing of Certified Copy of Ordinance and Petition.**

The Village Secretary shall file a certified copy of this Ordinance together with a copy of the Petition for Annexation with the Travis County Clerk pursuant to Tex. Loc. Gov't Code § 43.028(f).

**Section 5. Publication.**

A caption summarizing the purpose of and actions taken by this ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.012.

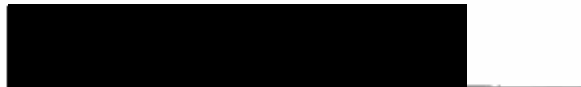
**Section 6. Effective Date.**

This ordinance shall take effect immediately upon passage and approval by the Village Council.

**Section 7. Public Notice and Meeting.**

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** this, the 22<sup>nd</sup> day of December 2009, by a vote of the Volente Village Council of 5 in favor to 0 opposed with 0 abstentions.



Jan Yenawine, Mayor

**ATTEST:**



Jennifer Zufelt, Village Secretary