ORDINANCE NO. 2009-O-112

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS PROVIDING FOR THE DISANNEXATION OF APPROXIMATELY 27.73 ACRES OF UNINHABITED OR SPARSELY POPULATED AND UNDEVELOPED PARCELS OF LAND CONTIGUOUS TO THE VILLAGE OF VOLENTE PURSUANT TO LOCAL GOVERNMENT CODE SECTION 43.144, SUCH PARCELS OF LAND BEING IDENTIFIED IN THE PETITION FOR DISANNEXATION FILED BY GRASON VOLENTE INVESTMENTS, LTD. ON OR ABOUT OCTOBER 15, 2009; TERMINATING INHABITANTS' RIGHTS AND PRIVILEGES; ESTABLISHING FILING AND PUBLICATION REQUIREMENTS; AND PROVIDING FOR EFFECTIVE DATE AND PUBLIC NOTICE AND OPEN MEETING REQUIREMENTS

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

WHEREAS, Grason requests in the Petition that the identified parcels of land be disannexed from the Village of Volente pursuant to Section 43.144 of the Texas Local Government Code ("Disannexation of Sparsely Populated Area in General Law Municipality"); and

WHEREAS, the parcels of land to be disannexed consist of at least ten (10) acres and are either uninhabited or contain fewer than one occupied residence or business structure for every two acres and fewer than three occupied residences or business structures on any one acre; and

WHEREAS, the disannexed territory will be within the City of Austin's ETJ; and

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

WHEREAS, this disannexation, along with the simultaneous annexation of other certain parcels of land under Ordinance No. 2009_____, 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 the City of Austin on March 17, 2008; and

WHEREAS, this disannexation will facilitate resolution of the litigation in *Grason Volente Investments, L.L.C. and Volente Group of Texas, Ltd. v. Village of Volente, Texas and Jan Yenawine, in his official capacity as Mayor*, Cause No. D-1-GN-04-003258, in District Court, 53rd Judicial District, Travis County, Texas; 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 disannexation of the parcels of land described herein;

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

Section 1. Petition for Disannexation Granted.

Pursuant to Tex. Loc. Gov't Code. § 43.144, the Petition for Disannexation is hereby granted, and the parcels of land described in attached Exhibit "A" as Tracts A-1, A-2, A-3, A-4, A-5, and A-6 are disannexed and released to the City of Austin's ETJ.

Section 2. Termination of Inhabitants' Rights and Privileges.

Upon the Effective Date of this ordinance, the inhabitants of the disannexed parcels of land shall no longer be entitled to all the rights and privileges of all the citizens of the Village of Volente.

Section 3. 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 Disannexation with the Travis County Clerk.

Section 4. Publication.

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

Section 5. Effective Date.

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

Section 6. 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 22nd 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