

# City of Magnolia, Texas

## Ordinance No. 2007-106A

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2007-106 OF THE CITY OF MAGNOLIA, TEXAS HERETOFORE INITIALLY PASSED AND APPROVED ON THE 20<sup>th</sup> DAY OF MARCH 2007, BY REPLACING SECTION 4.5(C) OF SECTION 4 ENTITLED "FINAL PLAT PROCEDURES" WITH A NEW SECTION 4.5(C).**

**WHEREAS**, the City Council of the City of Magnolia has heretofore adopted an ordinance PROVIDING RULES, REGULATIONS, AND REQUIREMENTS WHICH GOVERN THE PLATTING OR REPLATTING OF LAND INTO SUBDIVISIONS WITHIN THE CITY OF MAGNOLIA AND EXTENDING INTO THE CITY'S EXTRATERRITORIAL JURISDICTION; REQUIRING PLATS AND REPLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY PLANNING COMMISSION AND THE CITY COUNCIL. ADOPTING SUBCHAPTER B, CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH ALLOWS FOR THE REQUIREMENT OF DEVELOPMENT PLATS IN THE CITY AND WITHIN ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING SEVERABILITY; PROVIDING A PENALTY AND SAVINGS CLAUSE; REPEALING ORDINANCE #74 AND ORDINANCE #319; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES AND RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE. being Ordinance Number 2007-106 adopted on the 20th day of March, 2007, and

**WHEREAS**, said Ordinance Number 2007-106 provides for when impact or capital recovery fees must be paid, and

**WHEREAS**, after study and review the City Council of the City of Magnolia has determined that said ordinance should be amended regarding when impact or capital recovery fees must be paid, and

**WHEREAS**, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

**AND NOW THEREFORE, BE IT ADOPTED BY THE  
CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:**

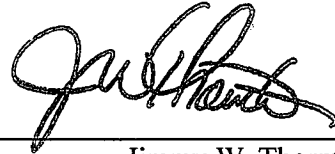
1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.

2. Ordinance Number 2007-106 of the City of Magnolia, Texas is hereby amended by replacing section 4.5(C) of Section 4 entitled "Final Plat Procedures" with a new section 4.5(c) which shall provide as follows:

**4.5(C) All fees, except impact or capital recovery fees must be paid before the final plat will be filed for record with the Montgomery County Clerk's Office. Unless otherwise mandated by Chapter 395.001, et seq. of the Local Government Code, as amended, impact or capital recovery fees shall be paid and collected at the time of issuance of a building permit by the City.**

3. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code at which time this Ordinance takes effect.

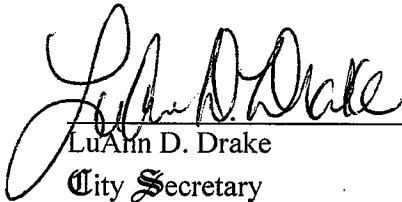
**PASSED AND ADOPTED** by a vote of 3 "ayes" in favor  
and 1 "no's" against on this, the 27<sup>th</sup> day of August, 2007.



Jimmy W. Thornton, Jr.

**Mayor**

**Attest:**

  
LuAnn D. Drake  
**City Secretary**

**City Seal**