

**ORDINANCE NO. O-2022-010**

**AN ORDINANCE INCLUDING THE HEREINAFTER DESCRIBED TERRITORY TO THE EXTRATERRITORIAL JURISDICTION OF CITY OF MAGNOLIA TEXAS, MONTGOMERY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY THAT MAY APPLY WITHIN THE EXTRATERRITORIAL JURISDICTION.**

**WHEREAS**, §42.022 of the Texas Local Government Code, authorizes the expansion of extraterritorial jurisdiction of a incorporated city, subject to the laws of this state; and

**WHEREAS**, the City of Magnolia, Texas, Montgomery County received a proper petition Requesting Expansion and Extension of Extraterritorial Jurisdiction by FORESTAR (USA) REAL ESTATE GROUP, INC., ("Petition") to request land to be added to the City of Magnolia Extraterritorial Jurisdiction; and

**WHEREAS**, the City Council of the City of Magnolia, Texas by adopting this Ordinance has approved and accepted the said Petition; and

**WHEREAS**, the procedures prescribed by the Texas Local Government Code, and the laws of this state have been duly followed with respect to the following described territory, to wit:

Being a 98.58 acre tract of land situated in the John B. Richards Survey, Abstract Number 449, Montgomery County, Texas, more particularly being portion of that certain called 118.69 acre tract conveyed to Forestar (USA) Real Estate Group, Inc. by an instrument of record under Document Number 2022023061 of the Official Public Records of said Montgomery County, Texas (M.C.O.P.R.), said 98.58 acre tract being more particularly described by metes and bounds as follows (Bearings based on Texas Coordinate System, Central Zone, NAD83 (NA2011) Epoch 2010.00) AND more particularly described by metes and bounds in the Exhibit A of the attached Petition Requesting Expansion and Extension of Extraterritorial Jurisdiction.

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

**Section 1.** Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact by the City Council and made a part hereof for all purposes.



**Section 2.** That the heretofore described property is hereby included in the extraterritorial jurisdiction of the City of Magnolia, Montgomery County, Texas, and that the boundary limits of the extraterritorial jurisdiction of the City of Magnolia be and the same are hereby extended to include the above described territory, and the same shall hereafter be included within the extraterritorial jurisdiction of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the extraterritorial jurisdiction of the city of Magnolia and they shall be bound by the acts, ordinances, resolutions, and regulations of said city that may apply within the extraterritorial jurisdiction.

**Section 3.** The City Secretary is hereby directed to file with the County Clerk of Montgomery County, Texas, a certified copy of this ordinance and the attached Petition Requesting Expansion and Extension of Extraterritorial Jurisdiction.

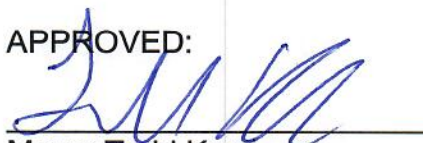
**Section 4.** Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

**Section 5.** Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted, and this Ordinance was passed in accordance with the Open Meetings Act. The Effective date of this Ordinance is the date signed by the Mayor and placed in the office of the City Secretary; at which time this Ordinance takes effect.


PASSED by an affirmative vote of all members of the City Council of Magnolia, this the 12<sup>th</sup> day of April, 2022.



APPROVED:

  
Mayor Todd Kana

ATTEST:

  
City Secretary, Kandice Garrett