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STATE OF TEXAS
CITY OF NEW BERLIN

ORDINANCE NO. 2021-003
ANNEX-DISANNEX PROCEDURES

AN ORDINANCE SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY A PROPERTY OWNER IN ORDER TO VOLUNTARILY ANNEX AND VOLUNTARILY DISANNEX PROPERTY INTO THE CITY OF NEW BERLIN, WHICH IS A "TYPE B" GENERAL LAW CITY.

WHEREAS the City of New Berlin (the "City") seeks to provide an orderly process for annexation and disannexation within the City limits in accordance with Texas Local Government Code Chapter 43.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERLIN:

1.0 SECTION 1- FINDINGS AND PURPOSE

- 1.1 The purpose of this Ordinance is to:
 - 1.1.1 Describe the process of the annexation and disannexation of property in the city limits of New Berlin in accordance with Texas Local Government Code Chapter 43.
 - 1.1.2 Assist the City in its efforts to execute New Berlin's Comprehensive Plan for the benefit of all residents in the community.

2.0 SECTION 2- AUTHORITY AND SCOPE

- 2.1 This Ordinance applies to property owners who choose to annex or disannex property in the City limits.

3.0 SECTION 3- DEFINITIONS

- 3.1 City means The City of New Berlin, Texas. As used throughout, the term City also includes the designated agent of the City.
- 3.2 Mayor means the Mayor of the City or the Mayor's designee.
- 3.3 Property Owner means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, and other such entity that is the legal property holder.
- 3.4 Legal description of the Property is usually recorded as "Metes and Bounds" and is on file with the Guadalupe County Clerk.
- 3.5 Survey Plat for the property under consideration.
 - 3.5.1 The survey must include current or projected buildings with reference to building setback lines, side lot and rear yard if applicable.
 - 3.5.2 The survey must be prepared by a surveyor licensed in the State of Texas, or by a qualified engineer and/or contractor.

4.0 SECTION 4- MUNICIPAL PROCEDURES

- 4.1 ANNEXATION

4.2 Residents within the City of New Berlin's Extra Territorial Jurisdiction (ETJ) can request annexation into the City provided that the property is contiguous with current City boundaries.

4.2.1 Property owners must file a petition with the City Secretary. Annexation worksheets are available at City Hall.

4.2.1.1 Property Owners must complete the petition with the following information.

4.2.1.1.1 The legal description of the property. This information is available on-line from the Guadalupe County Appraisal District

4.2.1.1.2 A survey of the property.

4.2.1.2 The property owner then signs the completed petition for annexation and returns it to the City Secretary.

4.2.2 The City Secretary reviews the petition for completeness and then passes the package to Planning and Zoning Commission for their review.

4.2.3 The Planning and Zoning (P&Z) Commission reviews the petition and recommends whether to Approve or Disapprove the annexation. The P&Z Commission passes the annexation package, along with their recommendation, to the Board of Aldermen.

4.2.4 The Board of Aldermen approve or reject the package.

4.2.5 If approved, the Board of Aldermen passes a City Ordinance accepting the property into the City limits.

4.2.6 The City Secretary files a certified copy of the Annexation Ordinance with the Guadalupe County Clerk.

4.2.7 The City Secretary ensures these offices are notified of the annexation:

4.2.7.1 County Tax Appraisal Office

4.2.7.2 County Road and Bridge Office

4.2.7.3 County Elections Office

4.2.7.4 Texas State Comptroller

4.2.7.5 U.S Census Bureau

4.2.8 Finally, the City Secretary notifies the property owner that the annexation is complete and updates the official city map with the changes and reference numbers.

4.3 DISANNEXATION

4.3.1 Residents within the City of New Berlin can request disannexation from the City provided that:

4.3.1.1 The property consists of at least 10 acres contiguous to the city, and that:

4.3.1.1.1 The property is uninhabited; or

- 4.3.1.1.2 The property includes fewer than one occupied residence or business structure for every two acres; and
 - 4.3.1.1.3 The property includes fewer than three occupied residences or business structures on any one acre.
 - 4.3.2 Property owners must file a petition with the City Secretary. Disannexation worksheets are available at City Hall.
 - 4.3.2.1 Property Owners must complete the petition with the following information.
 - 4.3.2.1.1 The legal description of the property. This information is available on-line from the Guadalupe County Appraisal District
 - 4.3.2.1.2 A survey of the property.
 - 4.3.2.2 The property owner signs the completed petition for disannexation and returns it to the City Secretary.
 - 4.3.3 The City Secretary reviews the petition for completeness and then passes the package to Planning and Zoning Commission for their review.
 - 4.3.4 The Planning and Zoning (P&Z) Commission reviews the petition and recommends whether to Approve or Disapprove the disannexation. The P&Z Commission passes the disannexation package, along with their recommendation, to the Board of Aldermen.
 - 4.3.5 The Board of Aldermen approve or reject the package.
 - 4.3.6 If approved, the Board of Aldermen passes a City Ordinance removing the property into the City limits.
 - 4.3.7 The City Secretary files a certified copy of the Disannexation Ordinance with the Guadalupe County Clerk.
 - 4.3.8 The City Secretary ensures these offices are notified of the disannexation:
 - 4.3.8.1 County Tax Appraisal Office
 - 4.3.8.2 County Road and Bridge Office
 - 4.3.8.3 County Elections Office
 - 4.3.8.4 Texas State Comptroller
 - 4.3.8.5 U.S Census Bureau
 - 4.3.9 Finally, the City Secretary notifies the property owner that the disannexation is complete and updates the official city map with the changes and reference numbers.

5.0 SECTION 5- ADMINISTRATION AND ENFORCEMENT

- 5.1 The Mayor or designee shall administer and enforce compliance with this Ordinance.

6.0 SECTION 6- EXPIRATION

- 6.1 An annexation ordinance issued by the Board of Aldermen does not expire.
- 6.2 A disannexation ordinance issued by the Board of Aldermen remains in effect for at least 10 years. During that time, the City is not required to consider a subsequent application for annexation.

7.0 FEE SCHEDULE

- 7.1 All applicants of annexation or disannexation are required to pay a fee to cover the City's processing costs. These costs include county courthouse filing fees, and the costs for newspaper announcement, costs being made available at the City.

8.0 SECTION 8- VALIDITY

- 8.1 If any section, paragraph, sub-division, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be unconstitutional or invalid.

9.0 SECTION 9- EFFECTIVE DATE

- 9.1 This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND ADOPTED by the Board of Aldermen of the CITY OF NEW BERLIN, TEXAS at a meeting open to the public this the 19 day of July, 2021.

Given under my hand this 19 day of July, 2021

Walter C. Williams Jr.
WALTER C. WILLIAMS JR
Mayor



(City Seal)

ATTESTED BY:

Marjorie L. Snell
Marjorie L. Snell
City Secretary

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I certify this instrument was FILED and RECORDED
in the OFFICIAL PUBLIC RECORDS
of Guadalupe County, Texas on
07/26/2021 02:58:14 PM PAGES: 4 REBECCAM
TERESA KIEL, COUNTY CLERK



Teresa Kiel