

ORDINANCE NO. 1

AN ORDINANCE ADOPTING AND ACCEPTING THE PROVISIONS OF TITLE 28, OF THE REVISED CIVIL STATUTES OF TEXAS RELATIVE TO CITIES, TOWNS AND VILLAGES.

WHEREAS, the Board of Aldermen of the City of Danbury is desirous of adopting and accepting the provisions of Title 28 of the Revised Civil Statutes of Texas; and

WHEREAS, the City of Danbury contains more than 600 inhabitants; Now, Therefore,

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DANBURY, TEXAS:

Section 1. That the provisions of Title 28 of the Revised Civil Statutes of Texas, insofar as its provisions are applicable to the City of Danbury, are hereby adopted and accepted.

Section 2. That the City Secretary of the City of Danbury, be directed to enter this ordinance upon the journal of minutes of the Board of Alderman, and a copy of same signed by the Mayor and Attested by the Clerk or Secretary under the corporation seal, shall be filed and recorded in the office of the County Clerk of Brazoria County, Texas.

Section 3. That this ordinance shall take effect immediately upon its passage and approval.

Passed at Organizational Meeting August 1, 1960.

**VERNON'S CIVIL STATUTES**

**TITLE 28. CITIES, TOWNS AND VILLAGES**

**CHAPTER 1. CITIES AND TOWNS**

VERNON'S CIVIL STATUTES  
TITLE 28. CITIES, TOWNS AND VILLAGES  
CHAPTER 1. CITIES AND TOWNS

Art. 973c. EXCLUSION OF PROPERTY FROM CERTAIN WATER DISTRICTS.

Definitions

Sec. 1. As used in this Act:

(1) "Urban property" means land that has been subdivided into town lots, or town lots and blocks, or small parcels of the same general nature of town lots, or town blocks and lots, designed, intended, or suitable for residential or other nonagricultural purposes, as distinguished from farm acreage, including streets, alleys, parkways, parks, and railroad property and rights-of-way within that subdivided land and that is in a subdivision that is within the corporate limits or extraterritorial jurisdiction of a city that has subdivision approval jurisdiction under the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), or Chapter 231, Acts of the 40th Legislature, Regular Session, 1927 (Article 974a, Vernon's Texas Civil Statutes), and for which a plat or map of the subdivision has been filed and recorded in the office of the county clerk of the county in which the subdivision or any part of the subdivision is located.

(2) "District" means any district or authority created under Article III, Sections 52(b)(1) and (2), or Article XVI, Section 59, of the Texas Constitution now existing or hereafter created for the principal purpose of, or principally engaged in, furnishing water for the irrigation of agricultural lands.

Exclusion of Urban Property

Sec. 2. Urban property located within the boundaries of a district may be excluded from the district by the board of directors in the manner and on the conditions provided by this Act. Urban property may be excluded only after the following have been paid to the district:

(1) all taxes, assessments, and other lawful charges of the district accrued on the property to be excluded, together with all lawful interest and penalties accrued on those taxes, assessments,

and charges; and

(2) the proportionate part of the outstanding bonded indebtedness or indebtedness in connection with a loan from an authorized agency of the United States for which the property proposed to be excluded is liable, as determined under this Act; and

(3) agreement on a reasonable determined amount to be paid by the city or other supplier of potable water to compensate the district for loss of revenue occasioned by the said exclusion.

#### Application for Exclusion

Sec. 3. (a) The owner or owners of urban property included within the boundaries of a district and subject to taxation by the district, and on which all taxes, assessments, and other lawful charges, and penalties and interest, that have accrued to the district have been paid, may make written sworn application to the district to exclude that property from the district.

(b) The application must:

(1) include a sworn acknowledgement by the owner or owners of the property;

(2) describe the property to be excluded by identifying the lot or block number of the subdivision and the name or designation of the subdivision as shown on the recorded plat of the subdivision, or by some other method of identification; and

(3) state that the property is used or intended to be used for the purposes for which it was subdivided, and that the property is not used or intended to be used, in whole or in part, for agricultural purposes.

(c) A correct copy of the recorded map or plat of the subdivision must accompany the application and must clearly delineate the part of the subdivision, if less than the whole, to be excluded from the district.

(d) The applicant shall also furnish to the district evidence satisfactory to, or required by, the board of directors of the applicant's ownership of the property proposed to be excluded, and of the right of the applicant to have the property excluded from the district.

#### Consideration of Application

Sec. 4. (a) As soon as practicable after the filing of the application, the board of directors of the district shall consider the application and inquire into all the facts relating to the application considered by the board to be necessary to a determination of whether a public hearing on the application should be held.

(b) After consideration and investigation, if the board finds that all taxes, assessments, and charges of the district on the property, and interest and penalties on those amounts, due to the district up to the date of the filing of the application, have been paid, that the property described in the application is owned by the applicant, is urban property, and is not used or intended to be used for agricultural purposes but will require a source of treated potable water from the city in which the subdivision is located, and that the exclusion of the property will not cut off the district or its facilities from ready and convenient access to other land remaining in the district for irrigation or other district purposes, the board shall pass an order approving further consideration of the application. If the board is unable to make any one of these findings, it shall adopt a resolution rejecting the application, and the resolution of the board rejecting the application is final and not subject to review by any other body, tribunal, or authority.

(c) If the board approves further consideration of the application, it shall proceed to determine the proportionate amount of the bonded or contractual indebtedness for which the property to be excluded is liable as provided by Subsection (d) of this section.

(d) If the district has outstanding bonded indebtedness, the board shall obtain from the chief appraiser a certified copy of the appraised value of all the property to be excluded for the five years immediately preceding the year in which the application is filed, as shown by the tax rolls of the district, and the appraised value of all taxable property in the district according to the most recent tax rolls of the district. The part of the total outstanding bonded indebtedness of the district to be paid by the applicant as a condition precedent to the exclusion of the property is that proportion of the indebtedness, including unpaid interest computed

to the date of the order, that the appraised value of the property to be excluded bears to the appraised value of all taxable property in the district according to the most recent tax rolls. If the district has contractual or other indebtedness being repaid on the benefit tax basis, the board shall obtain from the appropriate records the manner in which the tax is assessed, and from those records the district shall calculate the part of the total outstanding indebtedness of the district remaining to be paid attributable to the property to be excluded. The order of the board approving further consideration of the application also shall state the amounts required to be paid by Section 2 of this Act as a condition of the exclusion of the property.

#### Further Proceedings on Application

Sec. 5. The order of the board approving further consideration of the application has no force or effect, and no further proceeding may be held on the application unless the applicant, within 20 days after adoption of the order or within a period of up to 30 days after adoption of the order as ordered by the board, deposits with the district the amounts due under Section 2 of this Act.

#### Notice and Hearing

Sec. 6. (a) If the deposit is made within the time provided by Section 5 of this Act, the board shall set the application for public hearing to be held at the regular office of the district not less than 15 nor more than 30 days after the date of the hearing order.

(b) The board shall have notice of the hearing posted in a conspicuous place in the office of the district and at the courthouse of the county in which the property proposed to be excluded is situated.

#### Resolution Excluding Urban Property

Sec. 7. (a) If, as a result of such hearing, the board of directors determines and finds that the owners of a majority in acreage of the urban property do not desire irrigation of that property, or that the urban property is not used or intended to be used for agricultural purposes, the board of directors shall adopt a resolution setting forth that determination and those findings

and shall exclude the urban property or the part of the urban property to which the determination and findings are made. If any canals, ditches, pipelines, pumps, or other facilities of the district are located on land excluded in the resolution, the exclusion does not affect or interfere with any rights that the district might have to maintain and continue operation of the facilities as located for the purpose of servicing land remaining in the district.

(b) A copy of the resolution excluding urban property from the district certified to and acknowledged by the secretary of the board of directors shall be recorded by the district in the deed records in the county in which the excluded property is located as evidence of the exclusion.

(c) On the passage of the resolution the property excluded does not constitute a part of the district, the owner of the property has no further liability to the district or for any bonded or other indebtedness of the district, and is not subject to further taxation by the district.

(d) If the board determines from the hearing that for any reason the application should not be granted, it shall adopt a resolution rejecting the application, and the deposit made by the applicant is subject to withdrawal by the applicant or on the board's order.

#### Water Rights

Sec. 8. After the district excludes land from its boundaries that lies within the corporate boundaries or extraterritorial jurisdiction of any city, the city or other municipal supplier who proposes to serve the land with a potable water supply may petition the district to convert the proportionate water rights previously allocated for the land from irrigation use rights to municipal use rights for the use and benefit of the city or other municipal supplier. The district shall compute the proportionate water rights available and shall proceed with appropriate administrative proceedings to convert the irrigation use rights to municipal use rights. However, the city or other municipal supplier shall deposit with the district the amount that the district estimates will be its reasonable expenses and attorney's fees incurred in

those administrative proceedings before the district is obligated to initiate the administrative proceedings. On approval of the conversion by the Texas Water Commission, the water shall be delivered to the city or other municipal supplier by the district in the manner those entities may agree to under the Water Code.

Acts 1985, 69th Leg., ch. 707, Sec. 1, eff. June 14, 1985.

Art. 974d-41. VALIDATION OF GOVERNMENTAL ACTS AND PROCEEDINGS OF MUNICIPALITIES OF MORE THAN 1.5 MILLION.

Application

Sec. 1. This article applies to any municipality having a population of 1.5 million or more.

Proceedings Validated

Sec. 2. The governmental acts and proceedings of a municipality relating to a bond election that was held before December 1, 1991, and at which the ballot proposition was approved by more than 60 percent of the voters voting on the proposition are validated as of the dates they occurred. The validation includes the preparation and wording of the ballot proposition, any action taken by the municipality in calling and holding the bond election, and any other action taken by the municipality before the effective date of this article in connection with the issuance of any bonds approved in the bond election. The acts and proceedings may not be held invalid because they were not performed in accordance with law. A municipality may take any further action or conduct any further proceeding necessary to complete the issuance of the bonds approved at the bond election, and, when issued, the bonds are valid and binding obligations of the municipality in accordance with the terms of the bonds.

Effect on Litigation

Sec. 3. This article does not apply to any matter that on the effective date of this article has been held invalid by a final judgment of a court of competent jurisdiction.

Recommendation

Sec. 4. The legislature recommends to the governing body of a municipality that it adopt the aggregate goals for the municipality's contracting with minority and women enterprises set



forth in the June 1992, report of Texas Southern University as specified for the categories of construction, procurement, and professional services. A cause of action may not be maintained to enforce this section or to recover damages based on the failure of the municipality to follow the recommendation of this section.

Conditions Affecting Expenditure of Bond Proceeds

Sec. 5. (a) Expenditures of the bond proceeds by the municipality shall:

(1) be made in accordance with the covenants of all ordinances enacted by the municipality before the bond election approving the bonds;

(2) benefit the residents of the municipality so that the benefits or expenditures, if feasible, reflect the demographic makeup of the municipality; and

(3) to the extent the proceeds are designated for housing in the municipality's bond proposition, be made for construction and rehabilitation of housing and all matters incidental to housing construction and rehabilitation on-site.

(b) This section applies cumulatively to the entire bond authorization, rather than to individual bond issues or contracts for the expenditure of the proceeds, and the municipality's governing body is responsible for making decisions on individual bond issues and contracts.

Added by Acts 1993, 73rd Leg., ch. 6, Sec. 2, eff. March 8, 1993.

Art. 974d-45. MUNICIPAL VALIDATION FOR VOLUNTARY ANNEXATION  
BY A GENERAL-LAW MUNICIPALITY

Sec. 1. An annexation or attempted annexation by a general-law municipality that occurred after May 1, 2004, and before January 1, 2005, and that was initiated by means of a petition signed by all property owners within the annexed area, is validated as of the date it occurred.

Sec. 2. This article does not apply to:

(1) an annexation or attempted annexation that, under a statute of this state, was a misdemeanor or felony at the time the act or proceeding occurred;

(2) an incorporation or attempted incorporation of a

municipality within the incorporated boundaries or extraterritorial jurisdiction of another municipality that occurred without the consent of the other municipality in violation of Chapter 42 or 43, Local Government Code;

(3) an ordinance that, at the time it was passed, was preempted by a statute of this state or the United States, including Section 1.06 or 109.57, Alcoholic Beverage Code; or

(4) a matter that on the effective date of this article:

(A) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(B) has been held invalid by a final judgment of a court.

Added by Acts 2005, 79th Leg., Ch. 762, Sec. 1, eff. June 17, 2005.