

ORDINANCE NO. 3143

AN ORDINANCE GRANTING THE PETITION FOR ANNEXATION FILED BY JOE A. LARA AND NASROLLAH AMIR KAVIAN.; PROVIDING FOR THE EXTENTION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF KATY AND ANNEXATION OF APPROXIMATELY 0.71 ACRES OF LAND, MORE OR LESS, OUT OF THE JAMES CONNER SURVEY, ABSTRACT NUMBER 157, FORT BEND COUNTY, TEXAS, AND THE ANNEXATION OF APPROXIMATELY 0.47 ACRES OF LAND BEING A PORTION OF KATY-FLEWELLEN ROAD (RIGHT-OF-WAY VARIES).

**WHEREAS**, on April 23, 2024, Joe A. Lara and Nasrollah Amir Kavian, the Owners of the Property described in **Exhibits 1, 2 and 3** filed a petition for annexation of property requesting the annexation of certain property located within the extraterritorial jurisdiction of the City of Katy, **Exhibits 1, 2 and 3**; said property being approximately 4.2096 acres;

**WHEREAS**, Texas Local Government Code, at **Section 43.0671** allows a municipality to annex area if each owner of the land requests annexation;

**WHEREAS**, Texas Local Government Code, at **Section 43.1055** states that a municipality may by ordinance annex a road or the right-of-way of a road on request of the owner of the road or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way;

**WHEREAS**, Texas Local Government Code, at **Section 43.1056** states that a municipality that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road;

**WHEREAS**, before a municipality may adopt an ordinance annexing an area, the City Council must conduct a public hearing. During the public hearing, the governing body: (1) must provide persons interested in the annexation the opportunity to be heard; and (2) may adopt an ordinance annexing the area;

**WHEREAS**, the City must post notice of the hearing on the municipality's Internet website if the municipality has an internet website and publish notice of the hearing in a newspaper of general circulation in the municipality and in the area proposed for annexation;

**WHEREAS**, the notice for the hearing must be: (1) published at least once on or after the 20th day but before the 10th day before the date of the hearing; and (2) posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing;

**WHEREAS**, on June 24, 2024 a public hearing was held at the City of Katy City Council Meeting in Katy, Texas, where all interested persons were provided an opportunity to be heard on the request for annexation of the Property; and

**WHEREAS**, the City of Katy has agreed to provide the services set forth in **Exhibit 3** to the proposed annexed area;

**WHEREAS**, the owners of the property agree that this Ordinance shall serve as the agreement to provide services to the annexed area as required by law;

**WHEREAS**, the above described territory lies completely within the extraterritorial jurisdiction of the City of Katy, Texas; now therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS:**

**Section 1.** That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance for all purposes.

**Section 2.** That, pursuant to **Section 43.0671**, the territory described in **Exhibits 1 and 2**, by metes and bounds is to be included in the annexation of territory by the City, to-wit:

**SEE ATTACHED EXHIBITS 1, 2 AND 3**

**Section 3.** That the petition for annexation attached hereto and described in **Exhibits 1 and 2**, is hereby approved and granted and the above described land and territory lying adjacent to and adjoining the City of Katy, Texas, is hereby added and annexed to the City of Katy, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Katy, Texas, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Katy, Texas.

**Section 4.** That territory described in **Exhibits 1, 2 and 3** so annexed shall be a part of the City of Katy, Texas, and the property so added hereby shall continue and maintain its current land use designation until the property is used for some other purpose.

**Section 5.** That the above described territory described in **Exhibits 1, 2 and 3** of this Ordinance, so annexed shall be a part of the City of Katy, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Katy, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Katy, Texas.

**Section 6.** That the service plan attached hereto, as **Exhibit 4** is hereby adopted as part of the annexation of the Property described in **Exhibits 1, 2 and 3**.

**Section 7.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

**Section 8.** Should this ordinance for any reason be ineffective as to any part of the areas hereby annexed to the City of Katy, such ineffectiveness of this ordinance as to any such part or parts of any such areas shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the general description of territory set out in **Exhibits 1, 2 and 3** of this Ordinance to be annexed to the City of Katy any lands or areas which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Katy's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

PASSED AND APPROVED in Katy, Texas this 24<sup>th</sup> day of June, 2024.

CITY OF KATY, TEXAS

BY: \_\_\_\_\_  
William H. Thiele, Mayor

ATTEST:

APPROVED:

\_\_\_\_\_  
Becky L. McGrew  
City Secretary

\_\_\_\_\_  
Justin Pruitt  
Acting City Attorney

**ACKNOWLEDGEMENT**

CITY OF KATY, TEXAS

\_\_\_\_\_  
By: William H. Thiele, Mayor

STATE OF TEXAS  
COUNTY OF WALLER

This instrument was acknowledged before me on the 24<sup>th</sup> day of June, 2024 by William H. Thiele, Mayor of the City of Katy, Texas a municipal corporation situated in the Harris, Fort Bend and Waller Counties on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's Printed Name

Commission Expires:\_\_\_\_\_

**Please Return Recorded Copy to:**  
**Becky L. McGrew, City Secretary**  
**City Of Katy**  
**901 Avenue C**  
**Katy, Texas, 77493**

**Joe A. Lara**

\_\_\_\_\_  
(Signature)

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This signed and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 by,  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's Printed Name

\_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**Nasrollah Amir Kavian**

\_\_\_\_\_  
(Signature)

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This signed and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 by,  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's Printed Name

\_\_\_\_\_  
Commission Expires: \_\_\_\_\_

# **Exhibit 1**

## **PETITION FOR ANNEXATION**



# Exhibit 2

## LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

# Exhibit 3

## LEGAL DESCRIPTION OF PORTION OF KATY-FLEWELLEN ROAD

# **Exhibit 4**

## **ANNEXATION SERVICE PLAN**

## **ANNEXATION SERVICE PLAN**

The City of Katy, Texas will provide for the extension of municipal services into the territory annexed in accordance with the following schedule:

1. **POLICE PROTECTION:** Immediately upon annexation. Service will be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits.

2. **FIRE PROTECTION:** Immediately upon annexation. Service will be provided on the same basis as those residents currently living within the City limits.

3. **EMERGENCY MEDICAL SERVICES:** Provided immediately upon annexation. Service will be provided on the same basis as those residents currently living within the City limits.

4. **SOLID WASTE COLLECTION:** Immediately upon annexation, all residents/businesses within the annexed area will be provided with solid waste collection; cost to be at the prevailing rates of the City's franchise hauler.

5. **PARKS, PLAYGROUNDS AND SWIMMING POOLS:** The City parks and all recreational facilities will be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.

6. **CODE ENFORCEMENT SERVICES:**

a. Enforcement of the City's ordinances will be provided within the annexed area on the effective date of the annexation ordinance. These ordinances and other regulations will be enforced using existing personnel.

b. Complaints of ordinance violations or other code violations within the annexed area will be answered and investigated by existing personnel on the effective date of the annexation ordinance.

c. Animal Control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

d. Vector control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

7. MISCELLANEOUS: General municipal administration and administrative services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.

8. LIBRARY SERVICES: The City Library and facilities will be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.

9. WATER AND WASTE WATER: Services will be provided on the same basis as those residents currently living within the City limits.

10. MAINTENANCE OF ROAD INCLUDED IN THE ANNEXATION: Fort Bend County is currently responsible for maintaining the public road and right-of-way included in the annexation and is proposing to continue to do so once annexed into the City of Katy.

**Joe A. Lara**

\_\_\_\_\_  
(Signature)

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This signed and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 by,  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's Printed Name

\_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**Nasrollah Amir Kavian**

\_\_\_\_\_  
(Signature)

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This signed and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 by,  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's Printed Name

\_\_\_\_\_  
Commission Expires: \_\_\_\_\_