

ORDINANCE 96- 2

AN ORDINANCE OF THE CITY OF BEACH CITY, TEXAS, RETAINING UNTO THE CITY ALL LEGAL RIGHTS WITHIN THE CITY'S EXCLUSIVE EXTRATERRITORIAL JURISDICTION, REPEALING ANY AND ALL ORDINANCES OR PORTIONS OF ORDINANCES INCONSISTENT HERewith, AND PROVIDING FOR THE EFFECTIVE DATE HEREOF

WHEREAS, the City of Beach City acquired by law at the time of its incorporation certain exclusive extraterritorial jurisdiction, which consisted of all territory which was within one-half mile of the original corporate limits of Beach City and which was also more than two miles from the most eastern end of the most southern of the two strips annexed to the City of Baytown by Baytown's Ordinance 769-A, and

WHEREAS, on October 5, 1966, the City Council of Beach City adopted an ordinance for which no number is recorded and the caption of which stated in part that Beach City would not "oppose and resist the annexation by the City of Baytown of any territory outside the present limits of the City of Beach City", and

WHEREAS, the language of said Beach City ordinance is vague beyond rational interpretation including, but not by way of limitation, that it did not define whether "any territory outside the present limits of the City of Beach City" meant outside the corporate boundary limits or outside the jurisdictional limits of Beach City, the two limits having different meanings and significance under the law, and

WHEREAS, said vague language may be subject to being misconstrued as giving Beach City's consent for the reduction of its extraterritorial jurisdiction, for the purpose of allowing Baytown to annex territory therein, and

WHEREAS, even if said vague language were so misconstrued, Beach City and Baytown subsequently entered into a contract executed between the cities on August 19, 1968, wherein Baytown agreed that Beach City has one-half mile of extraterritorial jurisdiction and said extraterritorial jurisdiction is exclusive, and

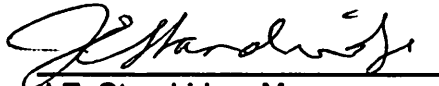
WHEREAS, the Mayor of the City of Baytown has reaffirmed in a letter dated November 1, 1996, Baytown's agreement that the territory previously described herein as being Beach City's exclusive extraterritorial jurisdiction is in fact Beach City's exclusive extraterritorial jurisdiction, and

WHEREAS, other premises considered, the City Council of Beach City deems that said Beach City ordinance of October 5, 1966, was not intended to consent to the reduction of the extraterritorial jurisdiction of Beach City, and has not had that effect, and has ultimately had no effect at all in that regard except perhaps to lead to confusion,

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

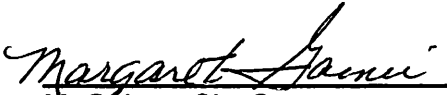
1. That Beach City retains exclusively unto itself all rights and privileges provided by the laws of the State of Texas within the area of its exclusive extraterritorial jurisdiction as described herein.
2. That any Beach City ordinances or parts of ordinances inconsistent herewith are hereby repealed.
3. That this ordinance shall be in effect from and after its passage by the City Council of Beach City.

INTRODUCED, READ, AND PASSED by the affirmative vote of a majority of Aldermen of Beach City present, a quorum being present at a regularly-scheduled and duly posted meeting of the City Council, on this 18th day of December, 1966.



J.E. Standridge, Mayor
City of Beach City, Texas

ATTEST:



M. Gainer, City Secretary
City of Beach City, Texas

ORDINANCE NO.

AN ORDINANCE OF BEACH CITY, TEXAS, RECOGNIZING THAT ITS CITY BOUNDARIES, AS PROPOSED AT THE TIME IT CONTEMPLATED THE FORMATION AND INCORPORATION OF SUCH CITY IN MARCH OF 1966, WERE WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BAYTOWN, TEXAS, AGREEING TO THE TERMS OF AN ORDINANCE PASSED ON THE 24TH DAY OF MARCH, 1966, BY THE CITY COUNCIL OF THE CITY OF BAYTOWN AND SPECIFICALLY AGREEING THAT IT SHALL NOT OPPOSE AND RESIST THE ANNEXATION BY THE CITY OF BAYTOWN OF ANY TERRITORY OUTSIDE THE PRESENT LIMITS OF THE CITY OF BEACH CITY, TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Baytown started a program of annexing ten foot (10') strips along certain public rights-of-way during the year 1965; and

WHEREAS, the City of Baytown had extended these ten foot (10') strips into West Chambers County in early 1966; and

WHEREAS, at about the same time, a group of citizens along Tri-City Beach in West Chambers County decided to create a City in this area; and

WHEREAS, under Article 970A, Vernon's Annotated Revised Civil Statutes of Texas, generally referred to as the "Municipal Annexation Act," said Act created extraterritorial jurisdiction for the various-sized cities of Texas; and

WHEREAS, the City of Baytown had a population between 25,000 and 50,000, which gave it extraterritorial jurisdiction for a distance of two (2) miles; and

WHEREAS, under such Law no City could be incorporated within such extraterritorial jurisdiction without the written consent of the City Council of such City; and


WHEREAS, the City Council of the City of Baytown gave its written consent for such incorporation with one condition; NOW, THEREFORE,

BE IT ORDAINED BY BEACH CITY, TEXAS:


Section 1: That pursuant to the Municipal Annexation Act and an ordinance passed by the City Council of the City of Baytown on the 24th day of March, 1966, and agreed to by the incorporators of Beach City, Beach City Aldermen, hereby recognize the validity of said Ordinance No. 788 passed on the 24th day of March, 1966, and agree that they will not contest any annexation proceedings of the City of Baytown consistent with said Ordinance.

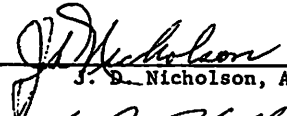
Section 2: Effective Date: This ordinance shall take effect from and after its passage by Beach City Aldermen.

INTRODUCED, READ and PASSED by the affirmative vote of a majority of
the Aldermen of Beach City, on this the 5th day of October, 1966.


Eloise Jordan, Mayor

ATTEST:


W. D. Bush, Alderman


J. D. Nicholson, Alderman


J. D. Holland, Alderman


W. D. Daniel, Alderman


A. J. Crawley, Alderman

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CITY OF BAYTOWN

2401 MARKET P.O. BOX 424 BAYTOWN, TX 77522-0424 (713) 422-8281 FAX (713) 420-6586

November 1, 1996

Mr. J.E. Standridge, Mayor
City of Beach City
12723 Tri City Beach Road
Beach City, Texas 77520

Dear Jim:

I am enclosing documentation concerning your ETJ questions from the City of Baytown's files. It appears that your ETJ assessment is correct. You may use the attached information to validate your assessment.

Sincerely,

Pete C. Alfaro
Pete C. Alfaro
Mayor

Attachment

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