

ORDINANCE NO. 2015-13

AN ORDINANCE ABOLISHING SOUTH SHORE HARBOUR MUNICIPAL UTILITY DISTRICT NUMBER 6, GALVESTON COUNTY, TEXAS, SAID DISTRICT BEING WHOLLY LOCATED WITHIN THE CITY OF LEAGUE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of League City, Texas, is continually reviewing the need and associated costs for providing services to its residents in a cost efficient manner; and

WHEREAS, by virtue of Ordinance No. 89-31 adopted by the City of League City, Texas dated July 6, 1989, the City entered into a Utility Agreement ("Agreement") with South Shore Harbour Municipal Utility District Number 6 (the "District"), which Agreement was also dated July 6, 1989, for the acquisition and construction of a water distribution system and sewage collection system, with associated drainage improvements to service the proposed District to be situated wholly within the city limits of the City of League City, Galveston County, Texas; and

WHEREAS, City staff has carefully evaluated the need for the continuation of the District and has reported that the services of the District are no longer needed and that the services furnished and functions performed by it can be furnished and performed by the City; and

WHEREAS, the City Council of League City finds and determines that the abolition of the District is in the best interest of the residents and property in the City and the District; and

WHEREAS, Section 43.074 of the Texas Local Government Code, subsection (c) provides that if before the effective date of final approval of this Ordinance, or if within 30 days after the effective date or the date of publication of the Ordinance, a petition that is signed and verified by a number of qualified voters of the City equal to at least 10 percent of the total votes cast at the most recent election may file a protest to this Ordinance which will have the effect of suspending that action taken herein, requiring reconsideration by City Council, and if same is not repealed, the City Council shall submit to popular vote, as more specifically provided therein;

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

Section 1. The City Council of the City of League City adopts the preceding preamble paragraphs as if repeated verbatim herein and finds them as matters of fact.

Section 2. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Texas Government Code, Chapter 551 and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. The City Council of the City hereby specifically, by a vote of at least two thirds (2/3) of its entire membership, in accordance with Section 43.074 of the Texas Local Government Code and applicable law determines: (1) to abolish South Shore Harbour Municipal Utility District Number 6, located wholly within the city limits of the City of League City as being no longer needed, (2) that the services furnished and functions performed by it can be furnished and performed by the City Council of the City of League City, Texas; and (3) that the abolition of the District is in the best interest of the residents and property in the City and District. The City shall (1) take control over all property and other assets of the District; (2) assume all debts, liabilities, and obligations of the District; and (3) shall perform all the functions of the District, including the provision of services.

Section 4. The City Council deems it necessary in conjunction with the abolition of the District and hereby directs that the City secure the execution of and delivery of any and all necessary agreements to facilitate the termination of the Agreement, as amended to date, and the administrative dissolution of the District as deemed required by law.

Section 5. Upon dissolution, any residual assets of the District will become assets of the City and will be placed in the General Fund.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of League City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance shall take effect upon publication.

PASSED on first reading this 12th day of May, 2015.

PASSED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

PASSED AND ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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TIMOTHY PAULISSEN  
Mayor

ATTEST:

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DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN  
City Attorney