

#116

AN ORDINANCE by the City Council of the City of Payne Springs, Texas, changing to a Type A general-law municipality and resolving other matters incident and related to such change; and declaring an emergency.

WHEREAS, pursuant to a petition to incorporate, an election held on September 10, 1972 and an order declaring results of such incorporation election entered on or about 9th day of October, 1972 by the Commissioners' Court of Henderson County, Texas, the City of Payne Springs was duly and legally incorporated under and pursuant to Chapter 11, Title 28 of the Revised Civil Statutes of Texas; and

WHEREAS, under and pursuant to the V.T.C.A., Local Government Code, Section 5.002, the City of Payne Springs is a Type B general law municipality since it operated, immediately preceding September 1, 1987, under Chapter 11, Title 28, Revised Statutes and has not acted to change to another type of municipality; and

WHEREAS pursuant to authority conferred by V.T.C.A., Local Government Code, Section 6.011, a Type B general law municipality that has 600 or more inhabitants may change to a Type A general-law municipality by a two-thirds vote of the governing body of the municipality taken at a regular meeting and such vote is recorded in the journal of the governing body's proceedings; and

WHEREAS, according to the most recent federal census, the City of Payne Springs has a population of 700 or more, and it is hereby found and determined the current population of the City of Payne Springs is in excess of 600 inhabitants and the powers of a Type A general-law municipality should be adopted by the City, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS, TEXAS:

SECTION 1. Pursuant to authority conferred by V.T.C.A., Local Government Code, Section 6.011, the City of Payne Springs shall be and is hereby changed to a Type A general-law municipality, and said City of Payne Springs shall hereafter possess and be authorized to exercise all powers and authority conferred by the laws of the State of Texas upon Type A general-law municipalities.

SECTION 2. The City Secretary shall be and is hereby directed to cause a copy of this Ordinance to be filed and recorded in the Deed Records of Henderson County, Texas as provided by V.T.C.A., Local Government Code, Section 6.012(4).

SECTION 3. It is officially found, determined, and declared that the meeting at which this Ordinance was passed and adopted was

a regular meeting of the governing body of the City of Payne Springs in Henderson County, Texas and said Ordinance was adopted by a two-thirds vote of the governing body of the City of Payne Springs at such meeting, which was open to the public and notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was duly given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SECTION 4. The public importance of this measure and the fact that the City needs to change to a Type A general law municipality constitutes and creates an emergency and an urgent public necessity requiring the suspension of any rules providing for ordinances to be read more than one time or at more than one meeting of the Council, and such rules and provisions are accordingly suspended, and this ordinance is declared to be an emergency measure, and shall take effect and be in full force immediately from and after its passage on the date shown below.

PASSED AND ADOPTED BY A VOTE OF Four
Five "FOR" AND
none "AGAINST" BY THE COUNCIL OF THE CITY OF PAYNE SPRINGS,
TEXAS, THIS THE 21st DAY OF JULY, 1998.

Mayor Pro-Tem, City Payne
Springs., Texas

ATTEST:



City Secretary, City of
Payne Springs, Texas

The undersigned, City Secretary of the City of Payne Springs, Texas do hereby certify that the foregoing is a true and correct copy of the ordinance adopted on the 21st day of July, 1998 to be presented to the County Clerk of Henderson County for filing in the Deed Records of said County.

City Secretary

Sworn to acknowledged and subscribed to before me the undersigned authority on ___ of July, 1998

Notary Public in and for the
State of Texas