

ORDINANCE # 38

AN ORDINANCE OF THE CITY OF ZAVALLA, TEXAS  
ADOPTING THE PROVISIONS OF LOCAL GOVERNMENT CODE  
SECTION 43.075, VERNON'S TEXAS CODES ANNOTATED,  
TO ALLOW THE ACQUISITION OF THE ASSETS AND LIABILITIES  
OF THE ZAVALLA WATER CONTROL AND IMPROVEMENT DISTRICT.

WHEREAS, the City of Zavalla, Texas seeks to acquire the assets and liabilities of the Zavalla Water Control and Improvement District, and;

WHEREAS, the Zavalla Water Control and Improvement District was created by an order of the Commissioners Court of Angelina County, Texas in October, 1963, and;

WHEREAS the City of Zavalla was incorporated in the year 1975, and;

WHEREAS, the land comprising the incorporated city limits of the City of Zavalla includes a portion, but not all, of the land comprising the boundaries of the Zavalla Water Control and Improvement District, and;

WHEREAS, upon adoption by a two-thirds vote of the governing body of the municipality, Local Government Code Section 43.075, Vernon's Texas Codes Annotated, allows for a municipality and a water control and improvement district to contract for the transfer, conveyance, or sale of the district's utility systems and other property, regardless of kind or location inside or outside municipal boundaries, to the municipality on terms to which the governing bodies of the district and the municipality agree.

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

SECTION 1. The City of Zavalla, Texas hereby adopts the provisions of Local Government Code Section 43.075, Vernon's Texas Codes Annotated, for the purpose of acquiring the assets and liabilities of the Zavalla Water Control and Improvement District.

SECTION 2. John O. Poe is hereby authorized to negotiate the terms and conditions of a contract for the purchase of the assets and for the assumption of the liabilities of the Zavalla Water Control and Improvement District. The negotiated contract shall be presented to this City Council for approval.

SECTION 3. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 4. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 5. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Revised Civil Statutes Annotated Article 6252-17, as amended.

On motion of John O. Poe, seconded by Keith Conger, that the above and foregoing ordinance be passed and approved.

Councilmembers

Voting Yes:

Keith Conger  
John O. Poe  
Clyde D. Mott  
\_\_\_\_\_

Councilmembers

Voting No:

\_\_\_\_\_  
\_\_\_\_\_

Councilmembers Abstaining:

E. J. Machann  
\_\_\_\_\_

PASSED AND APPROVED this the 12 day of November, 1990.

John O. Poe  
Mayor - Pro-Tem

Attest:

Baulah R. King  
City Secretary

Approved as to form: \_\_\_\_\_  
City Attorney

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