

**AN ORDINANCE AMENDING THE CORPORATE CITY LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS TO DISANNEX APPROXIMATELY 26.57 ACRES OF LAND OUT OF THE K. ERHARD SURVEY, ABSTRACT NO. 292, BEING GENERALLY LOCATED EAST OF THE TERMINUS OF HOLLOW DRIVE; DECLARING SAID LAND TO NO LONGER BE A PART OF SAID CITY; DECLARING SAID LAND AND PRESENT AND FUTURE INHABITANTS OF SAID LAND TO NOT BE ENTITLED TO ANY OF THE RIGHTS AND PRIVILEGES OF CITIZENS OF THE CITY AND TO NOT BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Ms. Boksuk Yi Baldwin has presented to the City of Killeen a request for disannexation of approximately 26.57 acres of land out of the K. Erhard Survey, Abstract No. 292, being generally located east of the terminus of Hollow Drive; and

**WHEREAS**, the City Council of the City of Killeen, pursuant to Local Government Code §43.142, is authorized to disannex an area in the municipality according to rules as may be provided by the charter of the municipality; and

**WHEREAS**, the City Council of the City of Killeen, pursuant to its Home Rule Charter, Section 7, is authorized to fix the boundaries of Killeen and relinquish territory of the City of Killeen;

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

**SECTION I:** That on and after the date of passage of this ordinance, the City of Killeen grants the petition for disannexation, and the City Limits of the City of Killeen, Texas, shall be and are hereby amended to relinquish approximately 26.57 acres of land generally located east of the terminus of Hollow Drive; said land being more particularly described in Exhibits 'A' and ' B 'which are attached hereto and incorporated herein for all purposes.

**SECTION II:** It is declared that the land hereby disannexed and described in Section I hereof is not and shall hereafter no longer be a part of the City of Killeen, Bell County, Texas, and it is hereby further declared that said land and the present and future inhabitants thereof are hereafter not entitled to any of the rights and privileges of citizens of the City of Killeen and shall not be bound by the acts and ordinances of the City of Killeen, Texas.

**SECTION III:** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION IV:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION V.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION VI:** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 16<sup>th</sup> day of November, 2021, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**Traci Briggs, City Attorney**

Ord. #21-\_\_\_\_

## Exhibit A

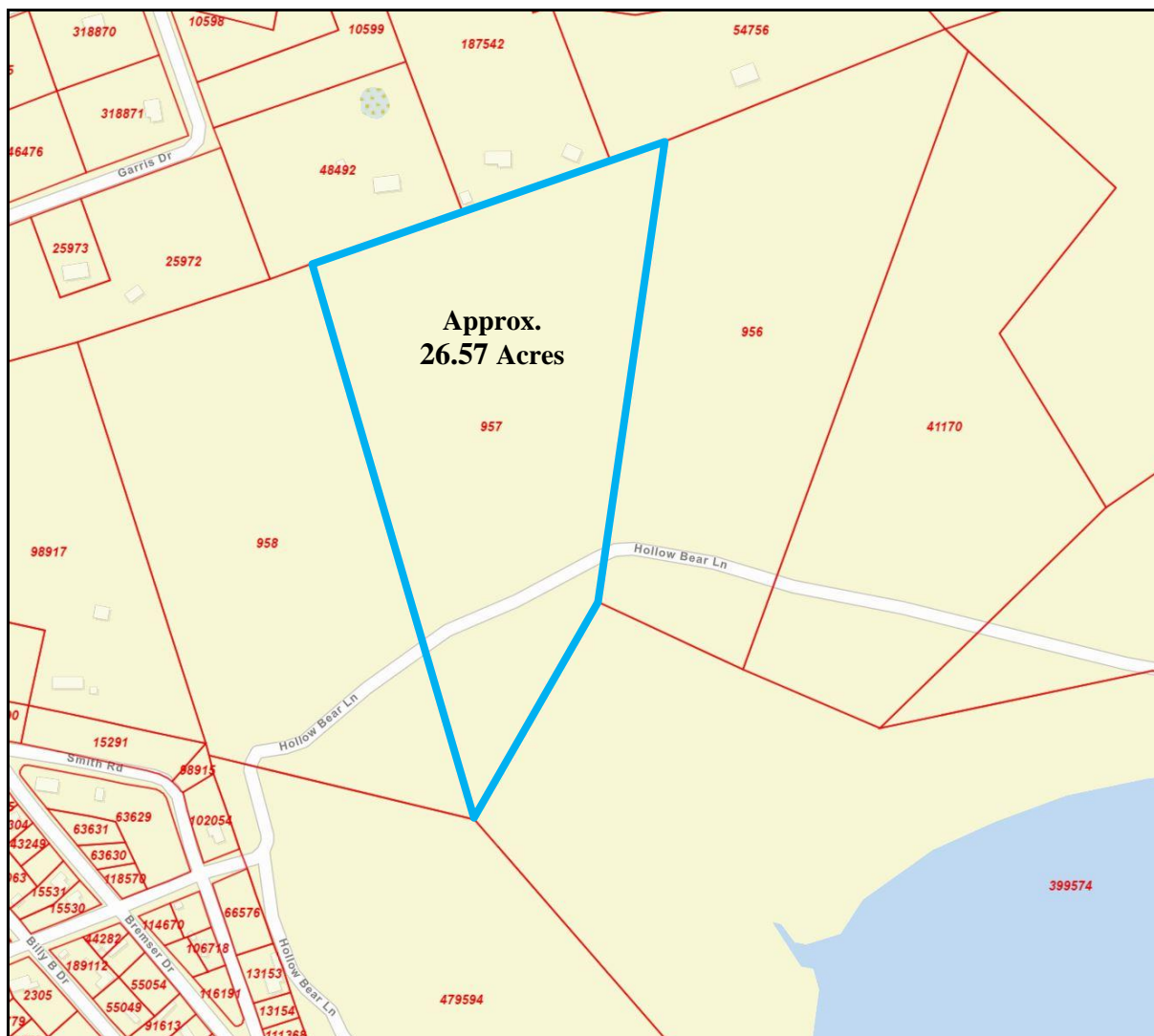


Exhibit B

All of that certain:

tract or parcel of land situated in Bell County, Texas, being out of and a part of the Kayetun Erhardt Survey, Abstract #292, and more specifically being a part of that certain tract of 409 acres described in a Deed of Trust dated May 8, 1952, from Mabel F. Simmonds to Stanley Bassett, Trustee for the Kansas City Life Insurance Company, of record in Volume 684, Page 605, Deed of Trust Records of Bell County, Texas, said tract being more fully described as follows:

BEGINNING at a point in the North line of the said Kayetun Erhardt Survey, which bears N. 68 deg. 54' E. 825.0' from the NW corner of said Kayetun Erhardt Survey, an iron stake for the NW corner of this, same being the NE corner of Tract #1;

THENCE S. 16 deg. 35' E. 1763.08' with the East line of Tract #1, to a Government Monument for the SW corner of this, same being the SE corner of Tract #1 and the NE corner of Tract #2;

THENCE N. 28 deg. 32' E. 769.87' to a Government Monument for the SE corner of this;

THENCE N. 17 deg. 11' E. 1428.60' to an iron stake set in the North line of said KAYETUN ERHARDT Survey for the NE corner of this;

THENCE with the North line of said Kayetun Erhardt Survey, S. 68 deg. 54' W. 1125.0' to the place of beginning, CONTAINING 27.244 acres; more or less; and also known and described as Tract #3 in the partition of the Mabel Florence Simmonds, deceased, estate which was conveyed and set apart to Fred H. Adrian, as a part of his separate property and estate, in the partition deed dated September 9, 1964, of record in Volume 910, Page 421 of the Deed Records of Bell County, Texas, to which and the record thereof reference is made for all purposes, and being also the same property surveyed on the ground by Felix J. Mueller, State Public Surveyor, shown by his certificate, but SUBJECT HOWEVER, to the rights of ingress and egress in, on, over, to and from said tract for the use and benefit of passageway on the part of the grantee herein and the grantees in said Partition Deed dated September 9, 1964, above referred to.

This being the same property described in Warranty Deed from Fred H. Adrian to Jim L. Adrian, Jr., dated November 17, 1975, recorded in Volume 1358, Page 345, Deed Records of Bell County, Texas to which record reference is hereby made for all purposes.

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