

MAR 26 2019



Becky Ivey  
County Clerk, Johnson County Texas  
BY [Signature] DEPUTY

THE STATE OF TEXAS  
COUNTY OF JOHNSON

§  
§  
§

ORDER #2019- 20

**ORDER AUTHORIZING COUNTY ATTORNEY TO FILE  
LAWUIT AND AUTHORIZING EXPENSES**

On this the 25 day of March, 2019, the Commissioners Court of Johnson County, being duly convened at a regularly called meeting of the Commissioners Court, upon motion of Commissioner Stringer, Precinct #3, seconded by Commissioner Woolley, Precinct #4, duly put and carried, adopted the following:

1.

Whereas, Johnson County, Texas is a political subdivision of the State of Texas, and through its Commissioners Court has the authority to bring suit to enforce the statutes enacted by the Texas Legislature that affect Johnson County; and

2.

Whereas, Section 43.106 of the Texas Local Government Code provides that “a municipality that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road;” and

3.

Whereas, on April 9, 2018, the City of Venus by Ordinance 643-2018-04 annexed a portion of County Road 501, being a 2.160 acre tract of land and annexed a 101.49 acre tract of land adjacent to and abutting County Road 501 and County Road 616; and

4.

Whereas, the City of Venus failed to annex the entire right-of-way of County Road 501 and failed to annex the entire right-of-way of County Road 616 adjacent to and abutting the 101.49 acre tract of land as required by Section 43.106 of the Texas Local Government Code; and

5.

Whereas, on March 11, 2019, the City of Venus annexed Johnson County CAD property ID 95750, generally located south of E 5<sup>th</sup> Street, north and E of County Road 109 and east of Wheat Valley Boulevard and being an approximately 17.235 acre tract of land situated in the William Hill Survey, Abstract No. 379, Johnson County, Texas; and being more particularly described and depicted in Resolution 06-2019-02 of the City of Venus, Texas; and

6.

Whereas, the above described annexation failed to include the entire right-of-way of County Road 109 as required by Section 43.106 of the Texas Local Government Code; and

7.

Whereas, the City of Venus is of the opinion that Section 43.106 of the Texas Local Government Code does not apply to a voluntarily annexation by the City of Venus.

8.

IT IS THEREFORE ORDERED that the County Attorney of Johnson County, Texas is hereby authorized to file a lawsuit for quo warranto and/or a suit for declaratory judgment to determine the validity of the annexation by the City of Venus regarding the above described tracts of land.

9.

IT IS FURTHER ORDERED that the County Attorney is authorized to expend the amount of \$4,000.00 as initial expenses in the case, which amount includes, but is not limited to, funds for court reporter fees, expert fees and expenses, discovery costs, and any other reasonable and necessary expenses.

10.

All funds necessary to accomplish the above are hereby ordered to be made.

11.

All such costs and fees should be charged to the general fund.

WITNESS OUR HAND THIS THE 25 DAY OF March, 2019.



**Roger Harmon, Johnson County Judge**

Voted:  yes,  no,  abstained

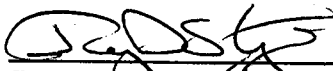
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**Rick Bailey, Comm. Pct. #1**

Voted:  yes,  no,  abstained



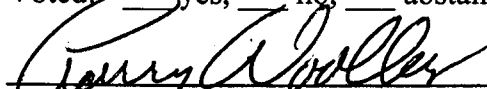
**Kenny Howell, Comm. Pct. #2**

Voted:  yes,  no,  abstained



**Jerry D. Springer, Comm. Pct. #3**

Voted:  yes,  no,  abstained



**Larry Woolley, Comm. Pct. #4**

Voted:  yes,  no,  abstained

ATTEST:

  
**Becky Ivey, County Clerk**

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