

RESOLUTION NO. 23-1987

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA
FINDING INSUFFICIENT NOTICE FOR PLANNING AND ZONING
COMMISSION HEARING HELD ON AUGUST 11, 2022 RELATED TO THE
PROPERTY KNOWN AS “THE PENINSULA”, ORDERING THAT PROPER
NOTIFICATION BE GIVEN, AND ORDERING THAT NECESSARY
HEARINGS BE REHELD AND SUBSEQUENT ACTIONS BE CONSIDERED.**

WHEREAS, a public hearing was held by the Planning and Zoning Commission on or around August 11, 2022, to consider a request by the owner of property referenced in City of Lago Vista Ordinance No. 22-09-01-01 (the “Property”) to rezone such property in the manner described in such ordinance; and

WHEREAS, on or around September 1, 2022, a public hearing was held by City Council on the matter and Ordinance No. 22-09-01-01 was passed by City Council, finding in part that notice was properly given to the owners of land within 200-feet of the Property; and

WHEREAS, upon further investigation it has come to the attention of the City Council that such notice was given to some, but possibly not all of the property owners within 200-feet of the area affected by such Ordinance; and

WHEREAS, the City has no evidence of malfeasance by the owner of the Property in connection with such insufficient notice, which notice was given by the City based on graphic information system maps prepared solely by the City; and

WHEREAS, the City Council desires to properly notify all necessary parties in accordance with State law.

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LAGO VISTA,
TEXAS:**

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. The City Council finds that insufficient notice of the hearing held by the Planning and Zoning Commission on or around August 11, 2022 was provided to those owners of real property located within 200 feet of the Property. As a result, the public hearing held by the Planning and Zoning Commission and the hearing held and action taken by City Council on or around September 1, 2022 on the proposed rezoning of the Property was not proper.

SECTION 3. The City Council hereby orders that notice be given to all required parties and any hearings held and actions taken by the Planning and Zoning Commission and/or City Council be heard and considered again after such proper notice is given.

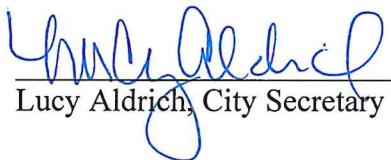
SECTION 4. It is officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

PASSED AND APPROVED this the 19th day of January, 2023.


Ed Tidwell, Mayor



ATTEST:


Lucy Aldrich, City Secretary

On a motion by Councilor Roberts, seconded by Councilor Marion, the above and foregoing instrument was passed and approved.