

AN ACT

relating to permitting a general-law municipality to annex land in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.032 to read as follows:

Sec. 43.032. AUTHORITY OF CERTAIN TYPE A GENERAL-LAW MUNICIPALITIES TO ANNEX AN AREA UPON PETITION BY OWNERS. (a) The governing body of a general-law municipality with a population of 1,500 to 1,599 may annex an area:

(1) that is adjacent to the annexing municipality;

(2) that is not being served with water or sewer service from a governmental entity; and

(3) for which a petition requesting annexation has been filed with the municipality.

(b) A petition requesting annexation filed under Subsection (a)(3) must:

(1) describe the area to be annexed by metes and bounds;

(2) be signed by each owner of real property in the area to be annexed; and

(3) be filed with the secretary or clerk of the municipality.

(c) Before filing the petition, the petitioners and the

1 governing body of the municipality may enter into a development
2 agreement to further cooperation between the municipality
3 regarding the proposed annexation. The agreement must be attached
4 to the petition and may allow:

5 (1) a facility or service, including optional, backup,
6 emergency, mutual aid, or supplementary facilities or services, to
7 be provided to the area or any part of the area by the municipality,
8 a landowner, or by any other person;

9 (2) standards for requesting and receiving any form of
10 municipal consent or approval required to perform an activity;

11 (3) remedies for breach of the agreement;

12 (4) the amendment, renewal, extension, termination,
13 or any other modification of the agreement;

14 (5) a third-party beneficiary to be specifically
15 designated and conferred rights or remedies under the agreement;
16 and

17 (6) any other term to which the parties agree.

18 (d) If the governing body certifies that the petition meets
19 the requirements of this section and agrees to enter any proposed
20 development agreement attached to the petition, the governing body
21 by ordinance may annex the area. On the effective date of the
22 ordinance, the area is annexed.

23 (e) If the area is annexed, the municipality shall:

24 (1) file a certified copy of the ordinance together
25 with a copy of the petition, including any attached development
26 agreement, in the office of the county clerk of the county in which
27 the municipality is located and with each party to the agreement;

1 and

2 (2) provide a copy of the filed documents to each
3 landowner in the area.

4 (f) The annexation of an area under this section does not
5 expand the extraterritorial jurisdiction of the municipality.
6 Sections 42.021 and 42.022 do not apply to an annexation made under
7 this section.

8 SECTION 2. Section 43.033(a), Local Government Code, is
9 amended to read as follows:

10 (a) A general-law municipality may annex adjacent territory
11 without the consent of any of the residents or voters of the area
12 and without the consent of any of the owners of land in the area
13 provided that the following conditions are met:

14 (1) the municipality has a population of 1,000 or more
15 and is not eligible to adopt a home-rule charter;

16 (2) the procedural rules prescribed by this chapter
17 are met;

18 (3) the municipality must be providing the area with
19 water or sewer service;

20 (4) the area:

21 (A) does not include unoccupied territory in
22 excess of one acre for each service address for water and sewer
23 service; or

24 (B) is entirely surrounded by the municipality
25 and the municipality is a Type A general-law municipality;

26 (5) the service plan requires that police and fire
27 protection at a level consistent with protection provided within

1 the municipality must be provided to the area within 10 days after
2 the effective date of the annexation; ~~and~~

3 (6) the municipality and the affected landowners have
4 not entered an agreement to not annex the area for a certain time
5 period; and

6 (7) if the area is appraised for ad valorem tax
7 purposes as land for agricultural or wildlife management use under
8 Subchapter C or D, Chapter 23, Tax Code:

9 (A) the municipality offers to make a development
10 agreement with the landowner in the manner provided by Section
11 212.172 that would:

12 (i) guarantee the continuation of the
13 extraterritorial status of the area; and

14 (ii) authorize the enforcement of all
15 regulations and planning authority of the municipality that do not
16 interfere with the agricultural or wildlife management use of the
17 area; and

18 (B) the landowner fails to accept an offer
19 described by Paragraph (A) within 30 days after the date the offer
20 is made.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 1772 was passed by the House on May 13, 2005, by the following vote: Yeas 142, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1772 on May 26, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1772 on May 29, 2005, by the following vote: Yeas 140, Nays 1, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1772

I certify that H.B. No. 1772 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1772 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor