

By: Wentworth

S.B. No. 1457

A BILL TO BE ENTITLED

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AN ACT

relating to the authority of certain general-law municipalities to annex certain areas.

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. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.