

1-1 By: Wentworth S.B. No. 1457  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 14, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the authority of certain general-law municipalities to  
1-9 annex certain areas.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter B, Chapter 43, Local Government Code,  
1-12 is amended by adding Section 43.032 to read as follows:

1-13 Sec. 43.032. AUTHORITY OF CERTAIN TYPE A GENERAL-LAW  
1-14 MUNICIPALITIES TO ANNEX AN AREA UPON PETITION BY OWNERS. (a) The  
1-15 governing body of a general-law municipality with a population of  
1-16 1,500 to 1,599 may annex an area:

1-17 (1) that is adjacent to the annexing municipality;

1-18 (2) that is not being served with water or sewer  
1-19 service from a governmental entity; and

1-20 (3) for which a petition requesting annexation has  
1-21 been filed with the municipality.

1-22 (b) A petition requesting annexation filed under Subsection  
1-23 (a)(3) must:

1-24 (1) describe the area to be annexed by metes and  
1-25 bounds;

1-26 (2) be signed by each owner of real property in the  
1-27 area to be annexed; and

1-28 (3) be filed with the secretary or clerk of the  
1-29 municipality.

1-30 (c) Before filing the petition, the petitioners and the  
1-31 governing body of the municipality may enter into a development  
1-32 agreement to further cooperation between the municipality  
1-33 regarding the proposed annexation. The agreement must be attached  
1-34 to the petition and may allow:

1-35 (1) a facility or service, including optional, backup,  
1-36 emergency, mutual aid, or supplementary facilities or services, to  
1-37 be provided to the area or any part of the area by the municipality,  
1-38 a landowner, or by any other person;

1-39 (2) standards for requesting and receiving any form of  
1-40 municipal consent or approval required to perform an activity;

1-41 (3) remedies for breach of the agreement;

1-42 (4) the amendment, renewal, extension, termination,  
1-43 or any other modification of the agreement;

1-44 (5) a third-party beneficiary to be specifically  
1-45 designated and conferred rights or remedies under the agreement;  
1-46 and

1-47 (6) any other term to which the parties agree.

1-48 (d) If the governing body certifies that the petition meets  
1-49 the requirements of this section and agrees to enter any proposed  
1-50 development agreement attached to the petition, the governing body  
1-51 by ordinance may annex the area. On the effective date of the  
1-52 ordinance, the area is annexed.

1-53 (e) If the area is annexed, the municipality shall:

1-54 (1) file a certified copy of the ordinance together  
1-55 with a copy of the petition, including any attached development  
1-56 agreement, in the office of the county clerk of the county in which  
1-57 the municipality is located and with each party to the agreement;  
1-58 and

1-59 (2) provide a copy of the filed documents to each  
1-60 landowner in the area.

1-61 (f) The annexation of an area under this section does not  
1-62 expand the extraterritorial jurisdiction of the municipality.  
1-63 Sections 42.021 and 42.022 do not apply to an annexation made under  
1-64 this section.

2-1 SECTION 2. This Act takes effect immediately if it receives  
2-2 a vote of two-thirds of all the members elected to each house, as  
2-3 provided by Section 39, Article III, Texas Constitution. If this  
2-4 Act does not receive the vote necessary for immediate effect, this  
2-5 Act takes effect September 1, 2005.

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