BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

At one time, cities made it a practice to "strip annex" long spines into the unincorporated areas outside the city's extraterritorial jurisdiction (ETJ). The legislature prohibited strip annexation in 1987, but did not remove the areas added to a city's ETJ via prior strip annexations.

In 1999, the Texas Legislature enacted Section 43.0545, Local Government Code, which prohibits the ETJ areas created by strip annexation from being annexed for full annexation purposes if the only reason the area is in the city's ETJ is because it is adjacent to a strip annexation. The result is a very unusual set of facts; an area that is within the city's ETJ that the city cannot annex.

This situation is especially unique in Waller County. The City of Houston has areas within the city's ETJ control almost 30 miles from the portion of the city's corporate limits that cannot be utilized for annexation. The city has no plans to annex these areas, according to the city's adopted annexation plan, and does not contemplate any annexation in the current three-year planning period. Further, the city is not serving areas in the city's ETJ located in Waller County with utilities or fire and police services or planning to do so in the foreseeable future. Houston's city hall is 45 miles from the outer edge of the city's ETJ located in Waller County.

S.B. 1244 provides a mechanism for a landowner in Waller County to be released from the City of Houston's ETJ.

As proposed, S.B. 1244 amends current law relating to relating to the extraterritorial jurisdiction of certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.023, Local Government Code, as follows:

> Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. Prohibits the extraterritorial jurisdiction of a municipality from being reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901 (Apportionment of Extraterritorial Jurisdictions That Overlapped on August 23, 1963); in accordance with an agreement under Section 42.022(d) (relating to authorizing the expansion of the extraterritorial jurisdiction of a municipality to include area that is located in the extraterritorial jurisdiction of another municipality under a certain written agreement); or in accordance with Section 42.0252. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 42, Local Government Code, by adding Section 42.0252, as follows:

Sec. 42.0252. RELEASE OF EXTRATERRITORIAL JURISDICTION BY CERTAIN MUNICIPALITIES. (a) Provides that this section applies only to a landowner whose property is located within:

> (1) a county with a population of more than 40,000, and less than 60,000; and

> (2) the extraterritorial jurisdiction of a municipality that has a population of more than 1,800,000.

(b) Authorizes a landowner to provide notice to a municipality that the landowner's property is required to be released from the municipality's extraterritorial jurisdiction. Requires the landowner's property to be immediately released from the municipality's extraterritorial jurisdiction for all purposes upon the municipality's receipt of such notice.

(c) Requires the notice of release to be sufficient if it is signed by the record owner of the property and describes the property to be released by:

> (i) a metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor;

> (ii) the Texas State Plane Coordinate System;

> (iii) verifiable landmarks, including a road, creek, or railroad line; or

> (iv) if a recorded plat of the area exists, lot and block number.

SECTION 4. Effective date: upon passage or September 1, 2013.