

By: Bell

H.B. No. 4185

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a petition by a landowner for annexation of the
3 landowner's property by a municipality or release of the property
4 from the extraterritorial jurisdiction of the municipality.

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

6 SECTION 1. Subchapter B, Chapter 43, Local Government Code,
7 is amended by adding Section 43.038 to read as follows:

8 Sec. 43.038. ANNEXATION ON PETITION; RELEASE OF
9 EXTRATERRITORIAL JURISDICTION. (a) The owner of real property
10 that is located in the extraterritorial jurisdiction of a
11 municipality may petition the municipality to annex the property
12 and provide services, not later than the first anniversary of the
13 date the municipality approves the petition, to the property. The
14 petition must:

15 (1) include a list of services to be provided to the
16 property within that 12-month period; and

17 (2) be filed with the secretary or clerk of the
18 municipality.

19 (b) The municipality shall approve or deny a petition
20 described by Subsection (a) not later than the 30th day after the
21 date the municipality receives the petition. The municipality may
22 extend the 30-day period by agreement with the property owner
23 submitting the petition.

24 (c) If a municipality approves a petition described by

1 Subsection (a), the municipality shall annex the property and
2 provide the services described by the petition or an agreement with
3 the property owner submitting the petition not later than the first
4 anniversary of the date the municipality approves the petition.
5 The municipality may extend that 12-month period by agreement with
6 the property owner.

7 (d) If the municipality fails to provide the services
8 described by the petition or an agreement within the period
9 provided by Subsection (c), including any extension agreed to by
10 the municipality and the property owner, the municipality shall
11 disannex the property and release that property from the
12 municipality's extraterritorial jurisdiction.

13 (e) If a municipality denies a petition described by
14 Subsection (a), the municipality shall release the property from
15 the municipality's extraterritorial jurisdiction.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2017.