



Municipal Annexation

Planning & Zoning Commission Workshop

March 28, 2019

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Background

- City Council has been discussion initiating annexations since 2016.
- City Council initiated annexation proceedings for Texas Triangle Park and RELLIS Campus areas on January 8, 2019, and February 12, 2019, respectively.
- P&Z is asked to make a recommendation regarding these annexation proposal during tonight's special meeting.

Annexation Planning

- Why Annex?
 1. Enable regulatory controls/facilitate growth
 2. Enhance or protect the tax base
 3. Provide municipal services to urbanizing area
 4. In response to an uncertain legislative environment
 5. Health/life safety considerations
 6. In response to an undesirable/unregulated land use

Legislative Environment

- The 85th Texas Legislature passed Senate Bill 6 on August 15, 2017.
- Bill became effective December 1, 2017.
- Involved significant changes to TLGC Chapter 43.
- Should have minimal effect on the annexation procedures for the City of Bryan as of today.
- Legislature is considering more onerous requirements for City-initiated annexation, including land owner or voter approval.

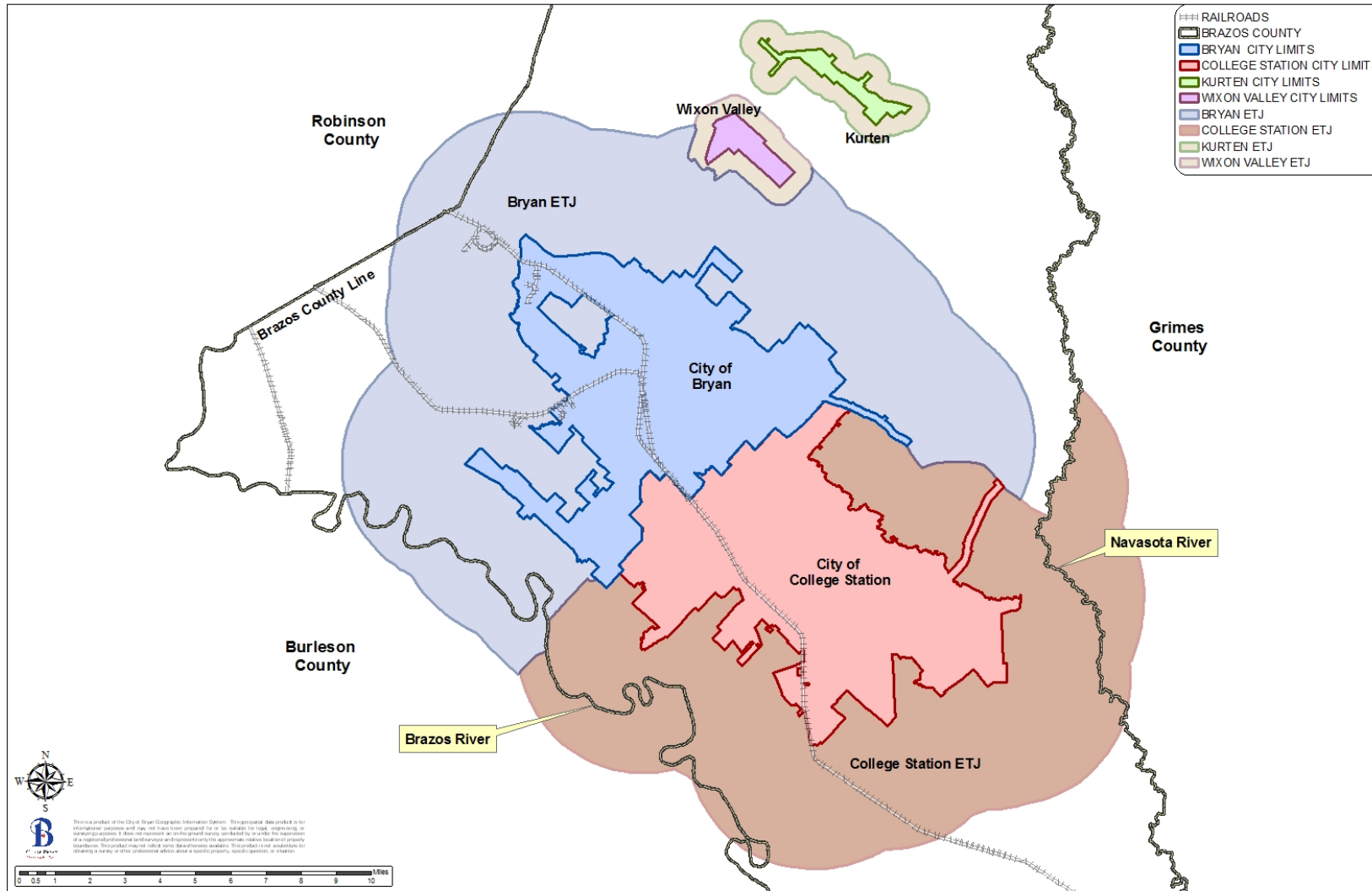


Legislative Environment



- We are seeing proposed legislation in 86th Legislature that would allow County residents to vote on annexation, regardless of a county's population size.
- Currently four (4) HBs and fifteen (15) SBs pending 86th Legislature consideration.
- Legislative session: January 8 – May 27, 2019.
- Last day governor may sign or veto bills from regular session: June 16, 2019.
- Date that bills without specific dates become law: August 26, 2019.

Extraterritorial Jurisdiction (ETJ)



Types of Annexation

- in response to a property owner petition (owner-initiated)
- unilateral (city-initiated) annexation
 1. Exempt Annexation - area may have any number of tracts so long as no more than 99 of the tracts contain one or more residential dwellings (often referred to as 100 tract annexation)
 2. Annexation Plan - 3-year process

City of Bryan Annexation Plan

- Required per Texas Local Government Code Section 43.052
- Adopted November 13, 2007

“[...] the city does not intend to annex any territory that in order to be annexed is required to be in an annexation plan [...]”

City of Bryan Annexation Criteria

- Adopted November 13, 2007 (Resolution No. 3128)
- City will consider annexation if an area meets certain criteria (Why Annex?); but also

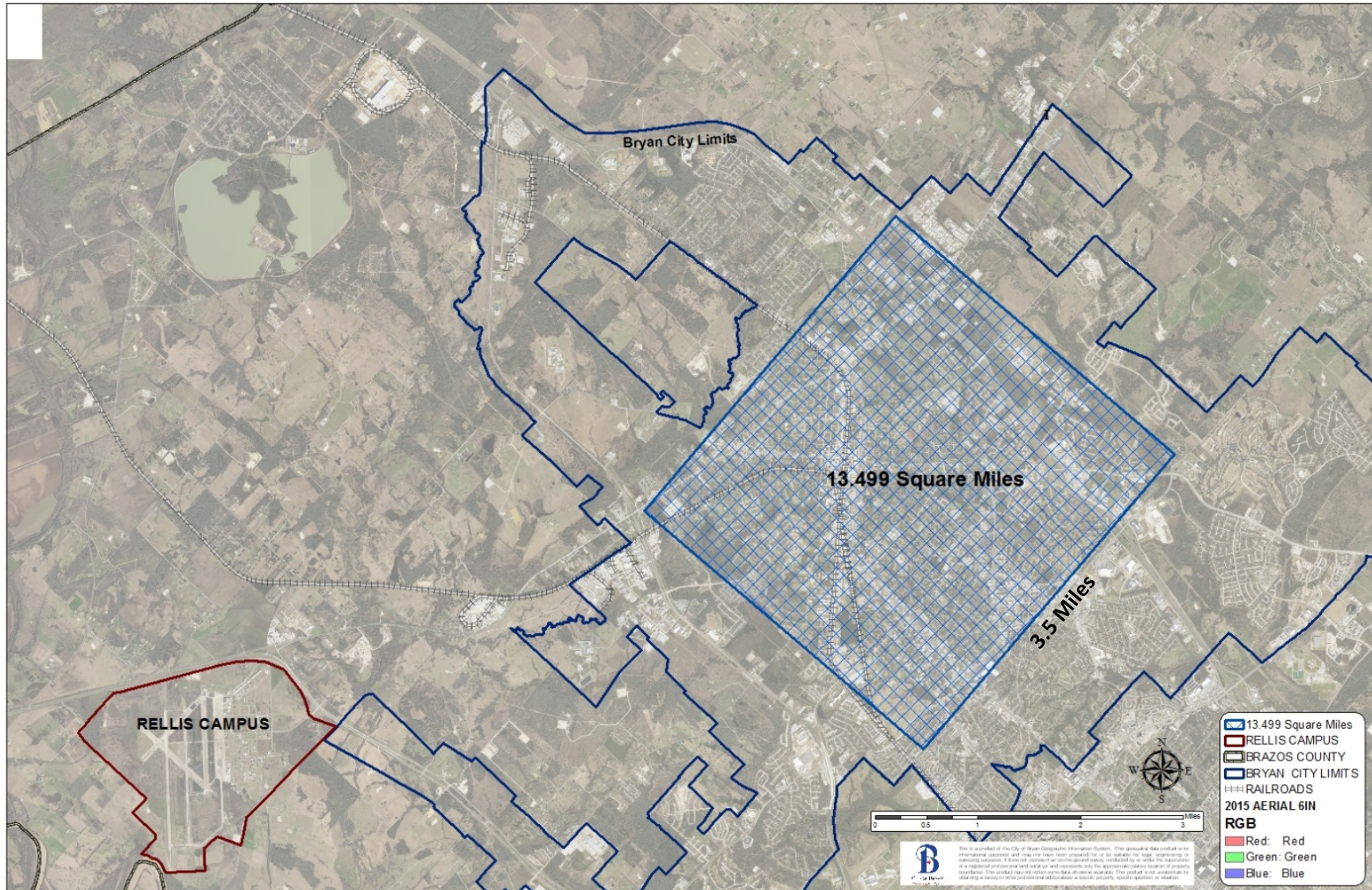
“That an area to be annexed should be contiguous to current city limits, should have regular, logical boundaries, and should include all, not just part, of a subdivision, recognized neighborhood or community area.”

General Requirements for Home Rule Cities

- Texas Local Government Code Chapter 43
 - Must have an annexation plan – COB adopted 11/13/2007
 - Annexation area must be within the city's ETJ
 - Annexation area must be contiguous to the existing city limits
 - Minimum 1,000 foot width requirement (or touch existing city limits on 2 sides)
 - Must offer non-annexation agreements when land is appraised for ad valorem tax purposes (ex. agriculture, wildlife, timber)
 - Cannot annex more than 10% of incorporated area per year – Bryan has not unilaterally annexed in more than 3 years (= 30%)
- Current Bryan city limits = approximately 29,000+ acres (45.3 sq. mi.)
- City could initiate annexation of up to 8,650 acres (13.5 sq. mi) due to 3-year carry-over

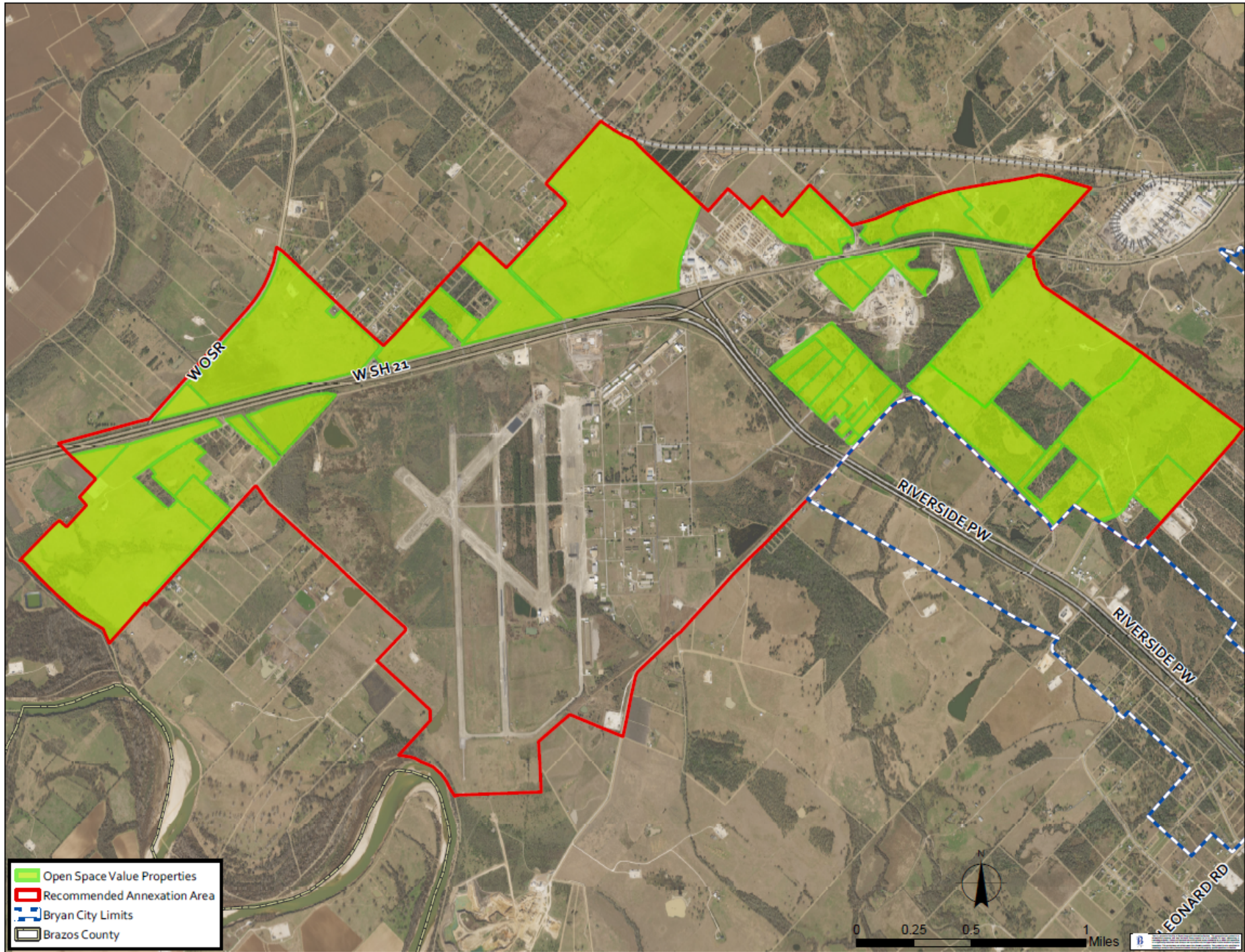
How large is 13.5 Square Miles?

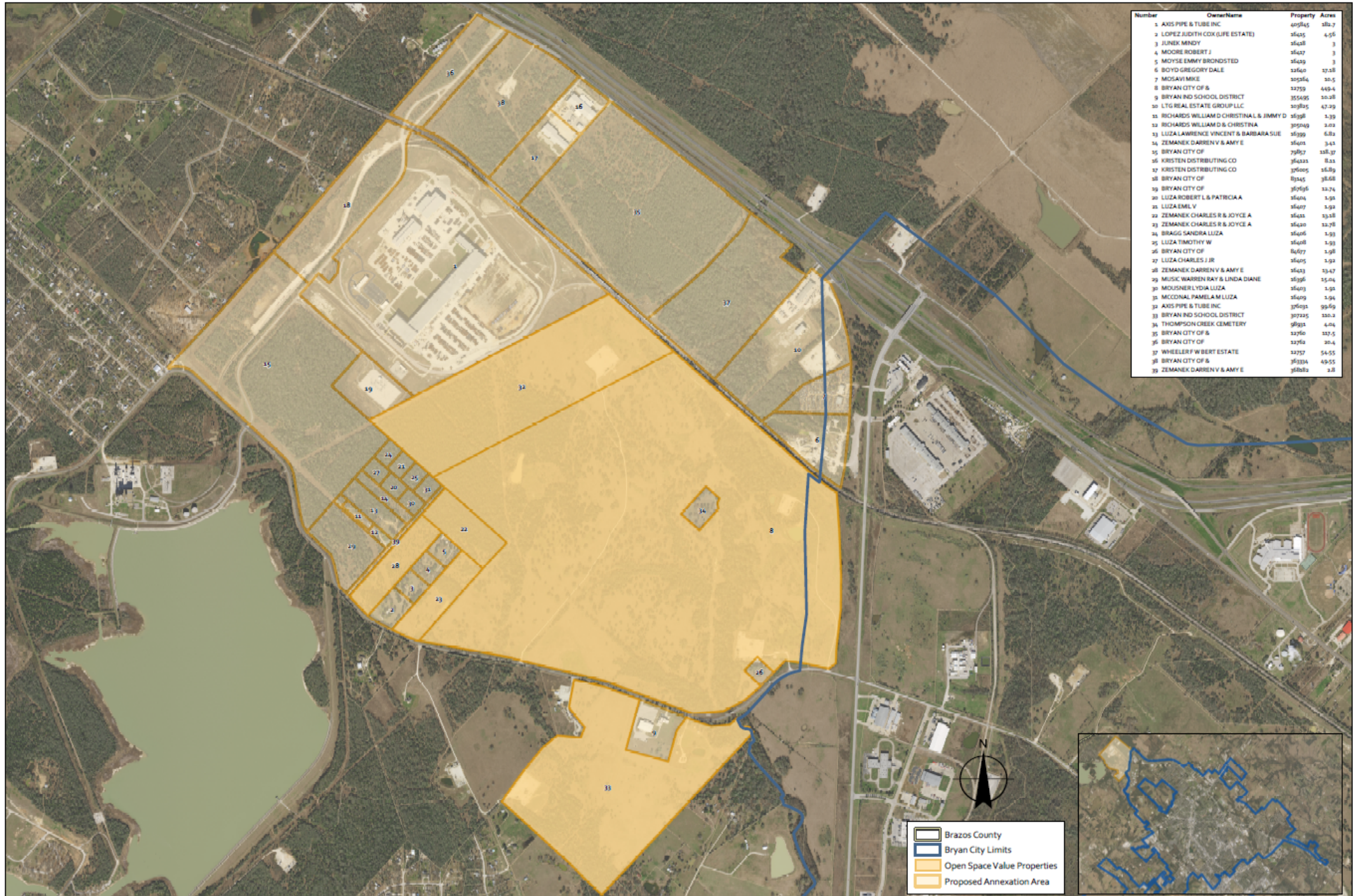
13.5 Square Miles
is approximately
8,650 Acres



Development (Non-Annexation) Agreements

- Required for City-initiated annexations since 2007.
- City must offer to those property owners in an area proposed for annexation, whose land is appraised for ad valorem tax purposes as land for agricultural (“AG exempt”) or wildlife management use or timber land.
- If accepted, agreement will guarantee the continuation of the extraterritorial status of property.
- Intent: to allow property owners who truly intend to continue using their land, for example, for agricultural purposes, to remain outside the city limits and not allow developers to circumvent municipal regulations.
- For TTP and RELLIS:
 - to not file any development documents including subdivision plats;
 - to not construct buildings that would require a building permit if the property were in the city limits (except for an accessory structure to an existing detached dwelling or an accessory structure for the benefit of agricultural uses);
 - to give written notice to the City if the property is conveyed or sold; and,
 - to give notice within 14 days of any change in the exemption status of the property.






Number	OwnerName	Property	Acres
1	AXIS PIPE & TUBE INC	409345	281.7
2	LOPEZ JUDITH COX (LIFE ESTATE)	26435	4.56
3	JUNER MANDY	26428	3
4	MOORE ROBERT J	26427	3
5	MOYSE EMMY BRONSTED	26429	3
6	BOYD GREGORY DALE	22640	27.18
7	MOSAVI MIKE	20264	22.5
8	BRYAN CITY OF &	22759	449.4
9	BRYAN IND SCHOOL DISTRICT	355455	20.28
10	LTG REAL ESTATE GROUP LLC	20285	47.29
11	RICHARDS WILLIAM D CHRISTINA L & JIMMY D	26328	1.39
12	RICHARDS WILLIAM D & CHRISTINA	305249	2.02
13	LUZA LAWRENCE VINCENT & BARBARA SUE	26299	6.28
14	ZEMANEK DARREN V & AMY E	26421	3.41
15	BRYAN CITY OF	29257	228.37
16	KRISTEN DISTRIBUTING CO	26422	8.11
17	KRISTEN DISTRIBUTING CO	27005	16.89
18	BRYAN CITY OF	23545	28.68
19	BRYAN CITY OF	26295	22.74
20	LUZA ROBERT L & PATRICIA A	26404	1.91
21	LUZA EMLY	26407	1.92
22	ZEMANEK CHARLES R & JOYCE A	26422	29.28
23	ZEMANEK CHARLES R & JOYCE A	26420	22.28
24	BRAGG SANDRA LUZA	26426	1.93
25	BRYAN CITY OF	26428	1.93
26	BRYAN CITY OF	26427	1.98
27	LUZA CHARLES J JR	26425	1.92
28	ZEMANEK DARREN V & AMY E	26423	23.47
29	MUSK WARREN RAY & LINDA DIANE	26296	25.04
30	MCKSNER LYDIA LUZA	26423	1.91
31	MCCONAL PAMELA M LUZA	26429	1.94
32	AXIS PIPE & TUBE INC	27029	29.69
33	BRYAN IND SCHOOL DISTRICT	20225	220.2
34	THOMPSON CREEK CEMETERY	26293	4.04
35	BRYAN CITY OF &	22760	227.5
36	BRYAN CITY OF	22761	20.4
37	WHEELER F W BERT ESTATE	22757	54.55
38	BRYAN CITY OF &	26334	49.55
39	ZEMANEK DARREN V & AMY E	26282	2.8

Brazos County
 Bryan City Limits
 Open Space Value Properties
 Proposed Annexation Area



Exempt Process (RELLIS and TTP Areas)

- any number of tracts so long as no more than 99 of the tracts contain one or more residential dwellings
- area not required to be in an annexation plan (exempt)
- define boundaries and direct staff to initiate annexation (by resolution)
- notification of property owners within proposed annexation area
- offer non-annexation agreements where applicable
- staff preparation of annexation service plan
- P&Z Commission recommendation 
- 2 public hearings before the City Council: April 23, 2019
- Council approves annexation ordinance (expected May 28, 2019)

Three-Year Plan Process

- Amend annexation plan to include annexation area (area can only be annexed on or after the third anniversary)
- Notification of property owners within proposed annexation area (within 90 days)
- Inventory of services and facilities and preparation of annexation service plan (within 8 months)
- 2 public hearings before the City Council (within 11 months)
- Service plan negotiations with area property owners (within 12 months)
- Arbitration (at City's expense)
- Annexation Service plan finalized (within 18 months)
- Council approves annexation ordinance (within 3 years and 31 days)

Service Plan – TLGC 43.056

- “City council must direct its planning department or other appropriate municipal department to prepare a preliminary service plan that details the specific municipal services that will be provided to the area after it has been annexed.”
- “A service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.”

Service Plan

- The municipality must provide [these] services in the area proposed for annexation on the effective date of the annexation of the area:
 - (1) police protection;
 - (2) fire protection;
 - (3) emergency medical services;
 - (4) solid waste collection, except as provided by Subsection (o);
 - (5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
 - (6) operation and maintenance of roads and streets, including road and street lighting;
 - (7) operation and maintenance of parks, playgrounds, and swimming pools; and
 - (8) operation and maintenance of any other publicly owned facility, building, or service.

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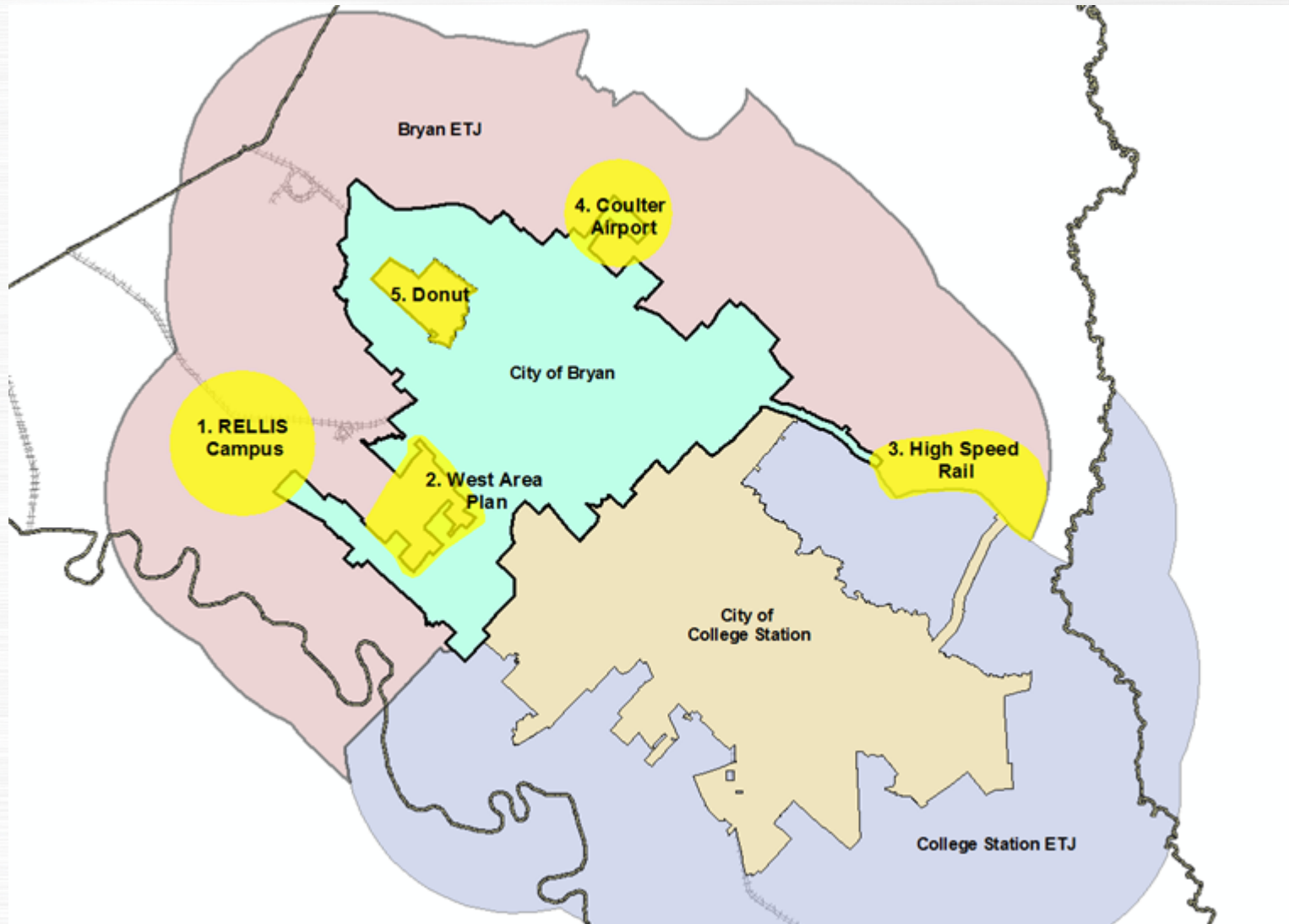
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Policy Tools to Manage Growth

- Comprehensive Plan (“Blueprint 2040”)
- Capital Improvement Plan
- Water/Wastewater Extension Policy
- Subdivision Regulations
- Assigning appropriate zoning designations

Comprehensive Plan



Recommended Areas for Expansion:

12,000+ acres

should be programmed for consideration in a 5-year period.

- Area 1: RELLIS Campus Area
- Area 2: West Area Plan
- Area 3: High Speed Rail/SH 30 Corridor
- Area 4: Coulter Airport Area
- Area 5: "Donut Hole" – South of N. Texas Ave. and North of SH21

Annexation Cost Examples

- Reimbursement of Emergency Services District #4 for debt at the time of annexation (estimated at ~\$50/acre); ~ \$432,500 for 8,650 ac.
- Land boundary survey (~ \$5/acre); ~ \$43,250 for 8,650 ac.
- Required newspaper publications/notifications: ~\$1,000 - \$1,500



Questions?