



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Chandler, Director of Planning and Development  
Kelly Atkinson, Assistant Director of Planning  
Shelby Smith, Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - FY-24-3-ANX: Consider adopting an ordinance authorizing the voluntary petitions of the following: (1) incorporation of 79.17 +/- acres of land situated in the Maximo Moreno Survey, Abstract No. 14 into the City of Temple's east extra-territorial jurisdiction and (2) the annexation of a combined 100.113 +/- acres of land situated in the Maximo Moreno Survey, Abstract No. 14, into the City of Temple located on the east side of Old Hwy 95 approximately 2.1 miles south of its intersection with East FM 93 generally commencing 2,890 feet east of the south west corner of the Cotton Bottom Phase I subdivision, known as Bell County Tax Appraisal District Parcel Number 43877 addressed as 9563 Old Hwy 95.

**BACKGROUND:** Texas Local Government Code (LGC) Chapter 43 governs the annexation process. LGC Chapter 43 requires that land to be annexed must be in the municipality's extraterritorial jurisdiction (ETJ) and contiguous to the municipality. The subject property is partially within the City's east ETJ.

Prior to requesting annexation into the City of Temple, 79.17 +/- acres of land were in the Little River Academy ETJ. At the October 12, 2023, City Council Regular Meeting of the Little River Academy council, the vote died due to the lack of a second for the release of the ETJ petition. After 30 days, the ETJ was released by operation of law (LGC Sec. 42.105). Under LGC sec. 42.105 (e), an area released from a municipality's extraterritorial jurisdiction may not be included in the extraterritorial jurisdiction of any municipality unless the owner of the area subsequently requests that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries. Here, the owner has requested annexation into City limits, as discussed below, and can therefore be included into the City's ETJ to allow the requested annexation to proceed.

LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation. On February 27, 2024, property owner New American Dream LTD filed a written request

seeking voluntary annexation of 100.113 +/- acres of land, as shown and being more particularly described in Exhibit A of the Municipal Services Agreement.

Prior to annexing an area of land, the City must offer the property owner a development agreement if the area would be eligible for an agreement under LGC Chapter 212, Subchapter G and appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber use pursuant to Texas Tax Code Chapter 23. The property owner was offered and rejected offers for a development agreement on May 29, 2024.

The City and property owner have entered into written agreement for the provision of municipal services in the area. Before offering the proposed municipal services agreement to the property owner, the proposed agreement was circulated to all relevant City Departments to determine the services that would be provided on the effective date of the annexation, such as fire, police, solid waste disposal and code enforcement. No issues were identified by any of the reviewing departments. The property owner accepted the proposed agreement. The City is not required to provide a service that is not included in the agreement. The agreement was offered on June 21, 2024.

LGC § 43.0673 requires that the City hold one public hearing prior to adopting an ordinance annexing an area on the written request of a landowner. The City's Charter requires a second reading to adopt the annexation ordinance. The second reading will be held on September 19, 2024.

LGC §§ 43.905 and 43.9051 requires a City to provide written notice regarding any financial impact caused by the proposed annexation to the affected school district as well as the political subdivisions and public entities that provide services in the area. The political subdivision as well as the Academy Independent School District (AISD) were notified by the City on August 22, 2024. While the City of Temple will notify all of the public entities required by State law about the potential fiscal impact on those organizations, a better understanding of that impact can be determined once the owner develops the property in the future.

The annexation is required for anticipated development of Phase II & Phase III of the Cotton Bottom subdivision for single-family residential development consistent with Phase I. A rezoning to Planned Development Urban Estates (PD-UE) is anticipated after the annexation of 100.113 +/- acres. In addition to the rezoning, a subdivision plat will be required prior to the expected development.

**ALIGNMENT WITH ADOPTED PLANS:**

Plan	Comments
Strategic Plan	This item supports the City of Temple's Strategic Plan goal of "A city that supports well-managed growth and development to promote a thriving economy," and the commitment to "Facilitate high quality, safe, and strategic community growth."
Comprehensive Plan	The subject property is within the boundaries of the 2020 Comprehensive Plan Future Land Development category of Residential & Neighborhood Services. Residential and Neighborhood Services Future Development category, which is intended for areas to be developed primarily as new single-family detached

Plan	Comments
	residential subdivisions and associated amenities, including parks trails, open space areas, and elementary schools. Appropriate residential uses include single-family detached residential (including industrialized housing). Additional single-family attached uses (i.e., duplexes, twins, triplexes, quadriplexes, and townhouses (up to four units) may be considered depending on appropriate design standards and locational and decision-making criteria.
Mobility Master Plan	No issues.

**STAFF RECOMMENDATION:** Receive staff presentation, hold public hearing, and recommend scheduling a 2nd reading and public hearing on September 19, 2024, with a recommendation of approval of the ETJ and annexation ordinance at that time.

**BOARDS & COMMISSIONS RECOMMENDATION:** This item was not reviewed by any of the official boards and commissions.

**FISCAL IMPACT:** The annexation along with the acceptance of the municipal services agreement does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the 100.113 +/- tract of land.

If the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City. The City will provide municipal services in accordance with the municipal services agreement.

**ATTACHMENTS:**

Ordinance

Maps

Petition for Release from Little River-Academy ETJ

Rejection of Development Agreement

Municipal Services Agreement (MSA)

Survey of Proposed Annexation Area (Exhibit A)

Field Notes of Proposed Annexation Area (Exhibit A)