



COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning and Development
Lynn Barrett, Assistant Director of Planning
Mark Baker, Principal Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - FY-22-3-ANX: Consider adopting an ordinance authorizing the annexation of 103.24 +/- acres consisting of the voluntary annexation of a called 95.27 +/- acre tract, situated in the Maximo Moreno 11- League Grant, Abstract No. 14 and the annexation of 7.97 +/- acres, being a portion of right-of-way out of Missouri, Kansas and Texas Railroad, now known as Union Pacific Railroad, located on the north side of E. FM 93 approximately 2700 feet east of its intersection with S. 31st Street.

BACKGROUND: This petition was originally before the City Council on March 17, 2022 meeting but was pulled prior to 2nd reading of April 7, 2022. The annexation needed to be re-noticed in order to include 7.9 +/- acres of railroad right-of-way that is necessary in order to establish a contiguous boundary with the City.

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 within the City's south east ETJ.

LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation. On October 19, 2021, property owner WBW Land Development filed a written request initially seeking voluntary annexation of 103.24 +/- acres of land, as shown by Exhibit A and being more particularly described in Exhibit B of the attached municipal services agreement. The 103.24 +/- acres includes the 7.9 +/- acres of railroad right-of-way.

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. Property owners was offered and rejected offers for a development

agreement on October 19, 2021.

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 relevant City Departments to determine the services that would be provided on the effective date of the annexation, such as fire, police, and solid waste disposal. The property owner accepted the proposed agreement. The City is not required to provide a service that is not included in the agreement. The signed Municipal Service Agreement was received by the City on January 7, 2022.

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 June 16, 2022.

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. Notice of the public hearing was published in the newspaper on May 22, 2022. The City notified the Temple Independent School District (TISD) and as well as required public entities on May 18, 2022. The City of Temple did notify all of the public entities required by State law about the potential fiscal impact on those organizations.

Under Texas law, the City may annex an area if each owner of land in the area requests the annexation and after following certain notice and public hearing procedures contained in Texas Local Government Code §§ 43.0671 et seq. Moreover, a municipality may also annex with the area the right of way of a railway line, spur, or roadbed, that is contiguous and runs parallel to the municipality's boundaries and is contiguous to the area being annexed. Texas Local Govt. Code § 43.1056(a). The railroad was re-noticed by certified mail on March 30, 2022. To date, staff has received no additional communications from the railroad with regard to the annexation of 7.9 +/- acres of railroad right-of-way.

The property is anticipated to be developed with detached single family uses. A counterpart rezoning from AG to SF-2 (FY-22-15-ZC) for the 95.27 acres has been requested by the owner. The rezoning is anticipated to be consistent with the adjacent Alta Vista subdivision which was also developed by WBW Land Development. The rezoning is anticipated to be scheduled for consideration at the June 20, 2022 Planning & Zoning Commission meeting. The rezoning would be anticipated to be scheduled for a 1st reading of the rezoning ordinance at the July 21, 2022 City Council meeting.

ALIGNMENT WITH ADOPTED PLANS:

Plan	Comments
Strategic Plan	This item supports the Strategic Plan goals of "Empowered community leaders who foster collaboration, engagement, and participation,;" "A City that supports well-managed growth and development to promote a thriving a thriving economy," and "An efficient, transparent and accountable government." This item also supports the Strategic Plan commitments to "Build strong community connections to cultivate a collaborative approach to governance and enhance

Plan	Comments
	access to services in the community,” to “Facilitate high quality, safe, and strategic community growth,” and to “Create efficient, integrated, and streamlined regulations, policies, and processes.”
Comprehensive Plan	The proposed annexation is within the Neighborhood & Residential & Neighborhood Services Future Land Development category. Residential development is consistent with the 2020 Comprehensive Plan. Additional discussion will be provided as part of the forthcoming rezoning of 95.27 +/- acres to SF-2 (FY-22-15-ZC).

STAFF RECOMMENDATION: Staff recommends approve as presented and schedule second reading for June 16, 2022.

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

FISCAL IMPACT: 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:

Vicinity Map
Voluntary Petition for Annexation dated October 19, 2021
Municipal Services Agreement
Ordinance