

ANNEXATION: TECHNICAL MEMO

JOINING FORCES

NORTH TEXAS

ANNEXATION

APRIL 2024

INTRODUCTION

The majority of land surrounding Naval Air Station Joint Reserve Base Fort Worth is within incorporated city boundaries, meaning that zoning ordinances apply. That is not the case near Camp Maxey and Fort Wolters. No land surrounding the perimeter of Camp Maxey is incorporated. The only portion of Fort Wolters that is within the city limits of Mineral Wells is the area with the administrative offices. Lake Mineral Wells State Park is within the city limits of Mineral Wells, so with the one-mile buffer of extra-territorial jurisdiction granted to cities the size of Mineral Wells, there is at least some ability for Mineral Wells to influence development surrounding Fort Wolters.

COMPLETED EFFORTS

During the 2017 Texas Legislature's first called special session, Senate Bill 6 was passed that significantly changed the rules for cities to undertake annexation. A majority of landowners now need to agree to be annexed and city services need to commence in annexed areas much more quickly than before. A summary of annexation statutes was prepared and is included as **Appendix 1**.

In determining where the city of Mineral Wells boundary lies in relation to Fort Wolters, it was determined that only a small portion of Fort Wolters falls inside the city limits. While limited land use authority can be exercised by the city in the ETJ, that would not prevent future development considered incompatible with military operations such as are happening at Fort Wolters. In fact, two small single-family housing developments have been built in the northeastern corner of Fort Wolters.

NEXT STEPS

Due to other priorities in the implementation grant, project staff did not have the opportunity to bring this issue up to Mineral Wells city officials. As project staff continues to develop relationships with city staff and as appropriate, this issue will be addressed.

ANNEXATION: APPENDIX 1

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ANNEXATION GUIDE

WHAT'S A CITY'S ABILITY TO ANNEX?

A city does not have the ability to annex unless:

1. Area with a population of 200 or more by election:
 - a. Adoption of resolution of intent to annex area, including services to be provided;
 - b. Determine applicability of Section 43.016 and act accordingly;
 - c. Not later than the seventh day after the date the governing body of the city adopts the resolution of intent, mail to each resident and property owner in the area proposed to be annexed notification of the proposed annexation that includes: (1) notice of the initial public hearing; (2) notice that an election on the question of annexing the area will be held; and (3) a description, list, and schedule of services to be provided;
 - d. Provide written notice to school districts and public entities not later than the seventh day;
 - e. Conduct an initial public hearing not earlier than the 21st day and not later than the 30th day after the date the governing body adopts the resolution of intent
 - f. conduct at least one additional public hearing not earlier than the 31st day and not later than the 90th day after the date the governing body adopts a resolution of intent;
 - g. City obtains consent through election and, if needed, petition;
 - h. Annex the area after: (1) providing notice to the residents of the area to be annexed; (2) holding a public hearing at which members of the public are given an opportunity to be heard; and (3) holding a final public hearing not earlier than the 10th day after the date of the first public hearing at which the ordinance annexing the area may be adopted; and;
 - i. Complete post-annexation procedures.
2. The annexation is requested by a landowner(s)
 - a. An individual landowner
 - i. Landowner submits a petition, written notices submitted to service providers, notice published, and then the annexation is approved in a public meeting by municipality.
 - b. Area with a population of less than 200 by petition
 - i. Determine applicability of Section 43.016 and act accordingly;
 - ii. Adoption of resolution of intent to annex area, including services to be provided;
 - iii. Not later than seventh day after adopting the resolution of intent, mail notice of resolution adoption to residents and property owners in area providing: (1) notice of public hearing; (2) explanation of petition timing requirements; and (3) description of services to be provided;
 - iv. Provide written notice to school districts and public entities not later than the seventh day

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- after adopting resolution;
 - v. Conduct at least one public hearing not earlier than the 21st day and not later than the 30th day after the date the governing body adopts the resolution of intent;
 - vi. City obtains and verifies consent to annex the area by petition;
 - vii. Notify residents and owners and hold another public hearing;
 - viii. Hold final public hearing not earlier than the 10th day after the date of the first public hearing and adopt annexation ordinance;
 - ix. Complete post-annexation procedures.
3. A consent exempt process also exists.
- a. House Bill 347 allows certain, very-specific annexations to take place outside of the consent process. It authorizes annexations of below stated items to be annexed without consent using a notice and hearing process. Those items include:
 - i. Enclave
 - ii. Industrial district
 - iii. Area owned by Type A Municipality
 - iv. Navigable Stram
 - v. Strategic Partnership
 - vi. Reservoirs owned by Municipalities
 - vii. Municipally owned Airports
 - viii. Road and Right of Way
 - b. Consent Exempt Annexations must:
 - i. Determine applicability of Section 43.016 and act accordingly;
 - ii. Offer a Development Agreement (also called service plan);
 - iii. The area must be in the City's ETJ and map; notice must be provided to those affected;
 - iv. The consent exempt annexation must be for one of the above purposes (Enclave, Industrial District, etc.);
 - v. The City Council must direct the planning department or other appropriate department to prepare a service plan and specify the municipal services to be provided after the annexation;
 - vi. The city council must call at least two public hearings to be held at some time which is not less than 10, nor more than 20, days from the day of publication of the notice of the hearings;
 - vii. The annexation ordinance must be passed by the city council
 - viii. Complete post-annexation procedures.

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4. Special notes on military bases

- a. Sec. 43.0117 says a municipality may annex for full or limited purposes any part of the area located within five miles of the boundary of a military base in which an active training program is conducted.
- b. The annexation proposition must be performed to allow the voters of the area to be annexed to choose between either annexation or providing the municipality with the authority to adopt and enforce an ordinance regulating the land use in the area in the manner recommended by the most recent joint land use study.
- c. San Antonio used this provision in 2018 to seek to apply land use regulations in the areas around its bases.