

RESOLUTION NO. 2018-20R

A RESOLUTION ADOPTING GUIDELINES AND POLICY CONSIDERATIONS IN PRIORITIZING ANNEXATION OF AREAS IN THE CITY'S EXTRATERRITORIAL JURISDICTION ("ETJ"); AUTHORIZING THE CITY MANAGER TO DISCUSS ANNEXATION AND/OR NEGOTIATE CHAPTER 43 AND/OR CHAPTER 212 ANNEXATION/ETJ DEVELOPMENT AGREEMENTS WITH OWNERS OF PROPERTY IN THE CITY'S ETJ; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas (the "City") is a home-rule municipality pursuant to Section 5, Article XI of the Texas Constitution and exercises powers granted by the Texas Constitution and the City's Charter; and

WHEREAS, Section 1.03 of the Charter of the City provides that the City may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by State law; and

WHEREAS, the City Council of the City of Celina, Texas (the "City Council") has found it necessary and in the public interest to expand the city limits of the City, so that the City will grow in an orderly manner, ensure emergency services are available and that the residents both present and future, of the annexed area will be provided services; and

WHEREAS, the City Council desires to establish a policy which will not place on existing taxpayers the burden of the costs of providing service and infrastructure improvements to support municipal services in areas outside the City's boundaries; and

WHEREAS, the City Council desires to adopt an annexation policy to provide guidance and set criteria which will be used to assist staff in prioritizing areas of land in the ETJ proposed to be annexed; and

WHEREAS, the Texas Local Government Code Sections 43.0682 and 43.0683 provides that the City must adopt a resolution that includes a statement of the City's intent to annex an area and provide notice to each resident and property owner in the area proposed to be annexed within seven (7) days of adopting the resolution of intent to annex a proposed area, and the City Council desires that the City Manager discuss annexation with the property owners before taking this initial step; and

WHEREAS, the Texas Local Government Code Section 43.016 provides that the City may not annex property appraised for agricultural, wildlife management, or timber land use unless it first offers to make a development agreement with a property owner pursuant to such section; and

WHEREAS, the City Council acknowledges that offering annexation/ETJ development agreements as authorized by Texas Local Government Code Chapter 43 and/or 212 with the property owners of the Properties is the first step in the annexation process as established in Chapter 43 of the Texas Local Government Code; and

WHEREAS, Section 2.02 of the City Charter, as a home-rule municipality, grants the City the power to contract and be contracted with; and

WHEREAS, Section 4.03 of the City Charter grants the City Manager the power and duty to execute contracts on behalf of the City when authorized by ordinance or resolution of the City Council, and approved as to form by the City Attorney; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to authorize the City Manager or his designee to discuss annexation and/or negotiate Local Government Code Chapter 43 and/or Chapter 212 annexation/ETJ development agreements with property owners of tracts of land located in the City's extraterritorial jurisdiction (the "Properties") using the criteria established hereto as a guideline for prioritizing areas of land to be annexed into the City.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, THAT:

SECTION 1: Recitals Incorporated. The findings recited above are incorporated as if fully set forth in the body of this Resolution.

SECTION 2: Adoption of Policy. The City Council adopts the policy considerations and criteria in Exhibit "A", attached hereto and incorporated herein, to provide staff guidelines to use in prioritizing areas of land to be annexed.


SECTION 3: Authorization to Proceed. The City Manager, or his designee, is hereby authorized and directed, on behalf of the City Council of Celina, Texas, to discuss annexation and/or negotiate and execute annexation/ETJ development agreements as authorized by Texas Local Government Code Chapter 43 and/or 212 with property owners located in the areas of proposed annexation as prioritized by the guidelines adopted. The City Manager should then present such agreements to the Council for consideration and action and/or begin the annexation process as set forth in Chapter 43, Texas Local Government Code for these areas.

SECTION 4: Effective Date. This Resolution shall take effect immediately upon its passage.


PASSED AND APPROVED this the 12th day of June, 2018.

Attest:

Approved:



Vicki Faulkner, City Secretary



Sean Terry, Mayor

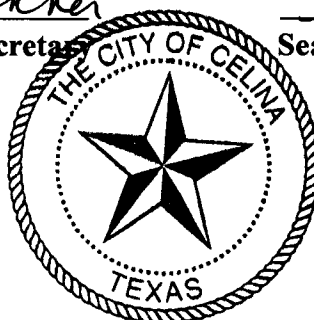


Exhibit "A"
Annexation / Extraterritorial Jurisdiction (ETJ) Management Strategy

Every annexation and ETJ decision should be policy driven and evaluated in terms of how it fits with the annexation related goals and policies of the City's comprehensive plan and with these guidelines. Annexation and ETJ management should be viewed as a continuous process.

Each proposed annexation area should be evaluated on its unique location, land use, environmental, fiscal and demographic characteristics. The following considerations, which list is not exhaustive, will be used to evaluate whether an area should be offered an agreement under Chapters 212 and/or 43 or be considered for annexation. Some considerations outweigh others and the relative weight may change from year to year or from area to area.

Staff should prioritize areas for annexation based on the following considerations, in addition to other information staff may learn:

- Are the City's police, fire or EMS services available to the area and/or is the area currently served by the City's first responders?
- Is the proposed annexation area contiguous to the existing City limits or can contiguity be established?
- Is there an existing agreement (Strategic Partnership, Annexation /Development Agreement etc.) with an established annexation date /trigger point within the 10 -year to 15- year mid -term planning period?
- Can the area be provided with full municipal services within the deadlines established by state law?
- Is the area bounded on two or more sides by City Limits (i. e. doughnut hole)?
- Has a water and /or wastewater service extension request been filed /approved for the area?
- Has the area been legally subdivided?
- Is the area within the certificated (CCN) area of another service provider?
- Is a CIP or budget amendment needed to provide services?
- Has a development proposal or application been submitted /approved for any portion of the area?
- Is the area unoccupied?
- Is there a need for land use control?
- Are there health and safety issues?
- What is the appropriate annexation procedure based on the characteristics of the area, i.e. appraised for agricultural or wildlife management use or timber land, fewer than 200 residents, limited purpose annexation under City Charter?
- Does annexation of the area support the Comprehensive Plan?