



# City of Killeen

## Legislation Text

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File #: RS-19-037, Version: 1

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Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 76.459 acres of land lying contiguous to the existing city limits and being adjacent to 5601 Clear Creek Road, Killeen, Texas.

**DATE:** April 2, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Ray Shanaa, Executive Director of Planning & Dev. Svcs.

**SUBJECT:** Consider a voluntary annexation petition for approximately 76.459 acres of land lying contiguous to the existing city limits and being adjacent to 5601 Clear Creek Road, Killeen, Texas.

### **BACKGROUND AND FINDINGS:**

On March 14, 2019, the Planning and Development Services Department received a voluntary petition for annexation from Mr. Gary Purser Jr. The subject tract is comprised of 76.459 acres and is located adjacent to property addressed as 5601 Clear Creek Road, Killeen, Texas. The property is vacant, contiguous to current municipal city limits and is therefore exempt from a three year annexation plan. The owner, Mr. Gary Purser Jr., is petitioning to have the property annexed into the corporate limits of Killeen. In accordance with this petition, the staff has prepared a 90-day annexation schedule (below).

### **Annexation Schedule**

**April 9<sup>th</sup>:** After the 5<sup>th</sup> day, but on or before the 30<sup>th</sup> day, after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate. [LGC 43.028(d)]. Therefore, the petition to grant or refuse the petition must take place by April 13<sup>th</sup>. If Council decides to conduct public hearings and institute annexation proceedings, Council shall direct the City Manager to prepare a service plan providing for the extension of full municipal services to the area, by any method used to give services in any other area of the city. [LGC 43.065]

**April 21<sup>st</sup> and May 5<sup>th</sup>:** At least ten days and no more than twenty days in advance of each public hearing, city staff shall publish notice of the public hearings in the local newspaper, post on the city's website and send notice to school district. [LGC 43.063(c) & 43.905]

**May 7<sup>th</sup> and May 21<sup>st</sup>:** The City shall conduct two public hearings between twenty and forty days before the annexation ordinance is adopted (note: this will require two special City Council meeting dates). [LGC 43.063 (a)]

**June 11<sup>th</sup>:** No sooner than 20 days after the second public hearing, the City shall adopt an annexation ordinance and approve the service plan. [LGC 43.064]

**THE ALTERNATIVES CONSIDERED:**

In accordance with LGC sections 43.028(d) and 43.065, the City Council has two alternatives:

- refuse the voluntary petition; or
- grant the voluntary petition and direct the City Manager to prepare a service plan that provides for the extension of full municipal services to the area to be annexed.

**Which alternative is recommended? Why?**

Staff recommends that the City Council hear the petition and the arguments for and against the annexation and decide whether to refuse or grant the petition. Council is advised that granting the petition would continue the annexation schedule as outlined above.

**CONFORMITY TO CITY POLICY:**

The request for voluntary annexation conforms with state law.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

If directed to prepare a service plan, staff will assess the fiscal impacts of annexation and present that information to the City Council.

**Is this a one-time or recurring expenditure?**

Expenditures related to the extension of municipal services would be a recurring cost.

**Is this expenditure budgeted?**

It is not budgeted at this time.

**If not, where will the money come from?**

If the property is annexed, it will be necessary for the money to come from future budget sources. Ad valorem taxes will be collected from the newly annexed land.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

N/A.

**RECOMMENDATION:**

Staff recommends that the City Council hear the petition and the arguments for and against the voluntary annexation and decide whether to refuse or grant the petition.

**DEPARTMENTAL CLEARANCES:**

City Attorney

**ATTACHED SUPPORTING DOCUMENTS:**

Annexation Petition  
Annexation Exhibit A  
Annexation Exhibit B