



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-054    **Version:** 1    **Name:** VA 21-02  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 7/27/2021    **In control:** City Council  
**On agenda:** 10/26/2021    **Final action:** 10/26/2021  
**Title:** HOLD a public hearing and consider an ordinance approving a written service agreement and the annexation of approximately 19.738 acres of land out of the out of the T. Arnold Survey, Abstract 55; J. W. Morton Survey, Abstract 587; and J. H. Lewis Survey, Abstract 536; lying contiguous to the existing city limits, being generally located approximately 120 feet south of Prewitt Ranch Road and approximately 1,550 feet east of Clear Creek Road, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Petition for Voluntary Annexation, 3. Maps, 4. Ordinance, 5. Service Agreement, 6. Presentation

Date	Ver.	Action By	Action	Result
10/26/2021	1	City Council	Approved	Pass
10/19/2021	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance approving a written service agreement and the annexation of approximately 19.738 acres of land out of the out of the T. Arnold Survey, Abstract 55; J. W. Morton Survey, Abstract 587; and J. H. Lewis Survey, Abstract 536; lying contiguous to the existing city limits, being generally located approximately 120 feet south of Prewitt Ranch Road and approximately 1,550 feet east of Clear Creek Road, Killeen, Texas.

**DATE:**        **October 19, 2021**

**TO:**        **Kent Cagle, City Manager**

**FROM:**        **Tony D. McIlwain, AICP, CFM, Exec. Dir. of Planning & Dev. Services**

**SUBJECT:** **Consider an ordinance approving a written service agreement and the annexation of approximately 19.738 acres of land lying contiguous to the existing city limits, being generally south of Prewitt Ranch Road and east of Clear Creek Road, Killeen, Texas.**

### **BACKGROUND AND FINDINGS:**

On July 7, 2021, the Development Services Department received a petition for voluntary annexation from Mr. Ray Fread, represented by Mr. Josh Welch. The subject tract is comprised of 19.738 acres and is located contiguous to the existing city limits south of Prewitt Ranch Road and east of Clear Creek Road, Killeen, Texas. The owner is making the request to have the property annexed into the corporate limits of Killeen. At the September 7<sup>th</sup> City Council Workshop, the Council directed the City Manager to negotiate a written service

agreement for the provisions of municipal services in the area.

### **Annexation Process:**

**Sec. 43.0672 of the Texas Local Government Code:** If the City Council elects to annex an area upon request of the owners of the area, the City must first negotiate a written agreement with the owners of land in the area for the provision of services in the area. The agreement must include a list of each service the municipality will provide on the effective date of the annexation, and a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation. The City is not required to provide services that are not included in the agreement. [Note: there is no statutory time period in which to complete this action.]

**Sec. 43.0673 of the Texas Local Government Code:** Before a municipality may adopt an ordinance annexing an area under this subchapter, the City Council must conduct one public hearing. Notice of the public hearing must be published in the newspaper on or after the 20<sup>th</sup> day, but before the 10<sup>th</sup> day before the date of the public hearing, and posted on the City's website on or after the 20<sup>th</sup> day but before the 10<sup>th</sup> day before the date of the hearing, and must remain posted until the date of the hearing.

Notice of the Public Hearing was published in the Killeen Daily Herald on October 10, 2021 and posted on the City's website on October 6, 2021.

**Sec. 43.905 of the Texas Local Government Code:** The City must provide written notice of the proposed annexation to the Killeen Independent School District during the notification period. The notice to the School District must contain a description of the area within the District proposed for annexation; any financial impact on the district resulting from the annexation, including any changes in utility costs; and any proposal the City has to abate, reduce, or limit any financial impact on the district.

Written notice to the Killeen Independent School District was provided in accordance with these requirements on October 6, 2021.

**Sec. 43.9051 of the Texas Local Government Code:** The City must provide written notice of the proposed annexation to each public entity that provides services to the area proposed for annexation during the notification period. "Public entity" includes Bell County, fire protection service providers, volunteer fire departments, emergency medical services providers, or special districts.

Written notice was provided to Bell County on October 6, 2021 in accordance with this requirement.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the written service agreement and annexation ordinance.

### **Which alternative is recommended? Why?**

Staff recommends approval of the written service agreement and the annexation ordinance. The annexation request is minor in size and anticipated scale of development.

### **CONFORMITY TO CITY POLICY:**

The request for voluntary annexation conforms with current state law.

**FINANCIAL IMPACT:**

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

There are no expenditures expected in the current fiscal year. Based on the size of the tract, municipal expenditures will be minimal for the 19.738 acre area.

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

Municipal expenditures would be a recurring cost.

**Is this expenditure budgeted?**

It is not budgeted within the current fiscal year.

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

Future expenditures will come from the General Fund, Water & Sewer, Solid Waste, Drainage and Street Maintenance funding sources as necessary.

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

Yes.

**RECOMMENDATION:**

Staff recommends that the City Council approve the written service agreement and annexation ordinance.

**DEPARTMENTAL CLEARANCES:**

City Attorney

**ATTACHED SUPPORTING DOCUMENTS:**

Petition for Voluntary Annexation  
Maps  
Ordinance  
Written Service Agreement