



# City of Killeen

## Legislation Text

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**File #:** OR-21-025, **Version:** 1

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Consider an ordinance amending the corporate city limits of the City of Killeen to disannex approximately 26.57 acres of land out of the K. Erhard Survey, Abstract No. 292, being generally located east of the terminus of Hollow Drive and declaring said land to no longer be a part of said City.

**DATE:**           **November 9, 2021**

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

**FROM:**       **Tony D. McIlwain, AICP, CFM; Exec. Dir. of Development Services**

**SUBJECT:**    **Disannexation of approximately 26.57 acres of land**

### **BACKGROUND AND FINDINGS:**

On August 4, 2021, the City of Killeen received a petition for the disannexation of approximately 26.57 acres of land out of the K. Erhard Survey, Abstract No. 292. The property is generally located east of the terminus of Hollow Drive. The property is zoned "A" (Agricultural District) and is currently undeveloped and unplatted. The subject property was annexed into the City of Killeen on December 18, 2007, as part of a larger annexation. The subject property is contiguous to the existing city limits of Killeen, and the City of Killeen does not provide the subject property with any municipal services.

Sec. 42.142 of the Texas Local Government Code provides that a home-rule municipality may disannex an area in the municipality according to rules as may be provided by the charter of the municipality. Section 7 of the City Charter provides that the City Council shall have power, by ordinance, to fix and extend the boundaries of Killeen and to exchange area with other municipalities, with or without the consent of the territory and inhabitants annexed or relinquished. Upon the introduction of such ordinance by the City Council, the procedures for disannexation set forth by state law shall be followed, as found in Chapter 43, Local Government Code, and as may hereafter be amended. Once disannexed, the territory and inhabitants shall not be a part of Killeen and shall not be entitled to the rights and privileges or bounds by the acts, ordinances, resolutions and regulations of Killeen.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The City Council may:

- Disapprove the disannexation ordinance; or
- Approve the disannexation ordinance.

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

Staff recommends that the City Council approve the disannexation ordinance.

**Why?** Staff finds that relinquishing the subject area from the City's jurisdiction is in the best interest of both the property owners and the City. The provision of future municipal services in this area would likely result in a financial strain on various City departments and resources.

**CONFORMITY TO CITY POLICY:**

The disannexation conforms to City policy.

**FINANCIAL IMPACT:**

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

The disannexation petition does not involve the expenditure of City funds.

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

This is not applicable.

**Is this expenditure budgeted?**

The disannexation petition does not involve the expenditure of City funds.

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

This is not applicable.

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

This is not applicable.

**RECOMMENDATION:**

Staff recommends the City Council approve the disannexation ordinance as presented.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Petition for Disannexation  
Ordinance