

# ANNEXATION

2022 TCAA Riley Fletcher Seminar

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# The New Realities

- This is where we are...
- Essentially no more unilateral annexation
- No more “Tiers”
- Forget everything you knew or thought you knew – all that’s left:
  1. “Consent-exempt” annexations
  2. “Consent” annexations
  3. “Grandfathered” annexations

# Consent-Exempt Annexations

1. Section 43.0115 (Enclave – Fort Worth ONLY);
2. Section 43.0116 (Industrial District);
3. Section 43.012 (Area Owned by Type-A Municipality);
4. Section 43.013 (Navigable Stream);
5. Section 43.0751(h) (Strategic Partnership);
6. Section 43.101 (Municipally Owned Reservoir);
7. Section 43.102 (Municipally Owned Airport); and
8. Section 43.1055 (Road and Right-of-Way).

# Consent-Exempt Annexations

- Use Subchapter C-1 procedures
- BUT see Section 43.0505, which provides that the provisions in Subchapter C apply only to an annexation under Subchapter C-1.

# Consent Annexations

- **Authority and procedures combined into one of Three schemes:**
  1. **Petition of individual landowner**
  2. **Area with less than 200 population petition process**
  3. **Area with 200 or more population election process**

## Subchapter C-3 Annexation of Area on Request of Owners

- Only if:
  - (1) Every owner of land in the area requests the annexation;
  - (2) City and owners negotiate and enter into a written agreement for the provision of services in the area.
  - (3) City must hold requisite public hearings.

## Subchapter C-4 Voter Petition (less than 200 population)

- Only if:
  - (1) City obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area; and
  - (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the petition must also be signed by more than 50 percent of the **owners of land** in the area.

## Subchapter C-5 Election (200 or more population)

- Only if:
  - (1) City holds an election in the area proposed to be annexed at which a majority of the qualified voters of the area approve the annexation; and
  - (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

# Strategic Partnership Agreements:

Section 43.0751 (f) A strategic partnership agreement may provide for the following:

(5) a full-purpose annexation provision on terms acceptable to the municipality and the district;

**But see** Section 43.061 – Strategic Partnerships annexations must follow Subchapter C-1.

# Non-Annexation Agreements

**Non-annexation AG agreements:** Section 43.016 (b) A municipality may not annex an area to which this section applies unless...the municipality offers to make a development agreement with the landowner under Section 212.172...

Sec. 212.172 (b) The governing body of a municipality may make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality to...(7) provide for the annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties...

# Special Issues – Various Agreements

**Industrial Districts:** Sec. 43.0116. AUTHORITY OF MUNICIPALITY TO ANNEX INDUSTRIAL DISTRICTS. (a) Notwithstanding any other law and subject to Subsection (b), a municipality may annex all or part of the area located in an industrial district designated by the governing body of the municipality under Section 42.044 under the procedures prescribed by Subchapter C-1.

(b) A municipality that proposes to annex an area located in an industrial district subject to a contract described by Section 42.044(c) may initiate the annexation only:

- (1) on or after the date the contract expires, including any period renewing or extending the contract; or
- (2) as provided by the contract.

# QUESTIONS?

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