

## ARTICLE I. ANNEXATION \*

### Sec. 10-1. Boundary extension, annexation; accomplished by ordinance.

<sup>1</sup> a. The City Council may extend the City limits and annex additional territory lying adjacent to the City by passing an ordinance setting forth the metes and bounds of the area sought to be annexed, declaring the territory within the defined boundaries to be a part of the City, and ordering it subject to all of the rules and regulations applicable to the City in accordance with state law. **(Note)**

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b. An applicant(s) seeking annexation pursuant to Section 43.028, Texas Local Government Code, shall file a petition with the Planning Department containing the following information and conforming to the following requirements:

1. A metes and bounds description of the tract to be annexed.
2. A list of all qualified voters who reside on the tract.
3. The petition must be signed by each owner.
4. Each owner's signature must be acknowledged in the manner required for deeds.
5. The application shall be accompanied with a plat of the tract to be annexed, drawn to scale, which shall:
  - (a) Identify the ownership of each parcel of land;
  - (b) Show any public ways within or bounding the tract;
  - (c) Show any easement within or bordering the tract;
  - (d) Show the existing City limits boundaries.
6. Information required for original zoning.
7. The application shall be accompanied with a filing fee of *two hundred fifty dollars (\$250.00)*. (Ord. 0-97-2, 1/22/97)

### Sec. 10-2. Annexation goals and policies.

<sup>2</sup> a. Texas cities derive their annexation authority from state law. **(Note)\***

As a home rule city, Tyler has the right to annex voluntarily or involuntarily any area within its extraterritorial jurisdiction (ETJ) or any City-owned property. The ETJ includes the unincorporated area within three and one-half (3½) miles of the City limits,

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excluding any area that is legally existing in the ETJ of another city. Within its ETJ, the City also has the right to approve the creation of other political jurisdictions, and enforce its subdivisions. (**Note**)

Annexation is one of the most important tools available to cities in Texas to determine their future. In recognition of that fact and based upon the authority outlined above, the City adopts the following annexation goals and policies. Because the parameters bearing on specific annexations and boundary adjustments vary so considerably, these goals and policies are intended as flexible guidelines to be followed rather than as absolute mandates. Also, the intent of all the policies together should be considered rather than one policy individually.

b. Goal I. Preserve the City's range of annexation options. The authority granted to Texas home rule cities to fix and extend their boundaries and to exchange areas with other municipalities is very broad. The City should exercise that authority when appropriate and vigorously oppose any effort to reduce it.

Policies:

1. The City may, at its discretion, annex any lands within its exclusive ETJ in accordance with state laws and the City Charter.
2. The City should consider annexation for the purpose of enforcing health and safety regulations and improving the quality of life.
3. The City should vigorously pursue violations of its ETJ to the fullest extent allowable by law.

c. Goal II. Promote orderly growth and provision of municipal services. Within unincorporated areas in Texas, there are very limited development controls. Annexation of areas facing development pressures can ensure proper land use relationships and high standards of construction through Zoning, Subdivision, and Building codes, thereby assuring adequate health and safety standards and averting costly future problems for the City.

When a major City remains viable, it can usually provide more services and a higher level of service than can a smaller community. This is particularly true in the Tyler metropolitan area where the City is so much larger than the other incorporated cities. Because of its size, the City expends considerable resources planning for development and major thoroughfares within its ETJ. Annexation allows the City to enjoy the benefits of that investment in planning.

Policies:

4. The City should consider annexing areas facing the prospect of development as a means of effectively controlling the quality of growth through the extension of the City's zoning and other regulations.

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5. The City should annex City-owned property when appropriate as soon as possible after acquisition.

6. Prospective annexation areas should be evaluated to determine their impact on existing services and City budget.

d. Goal III. Enhance the City's fiscal position. As the major city and cultural center of the region, the City provides and supports many services which are available to residents of unincorporated areas, as well as to those within the City limits. Annexation provides a means for the City to recoup partially the costs of these services.

Annexation also provides a means for the City to avoid a dwindling tax base. Unlike many states, Texas cities have considerable authority to annex adjacent unincorporated areas. There is a very good reason for this. In parts of the nation, where cities are unable to annex, there is a tendency for those who can afford to do so to escape City taxes and problems in favor of the suburbs. The result is that such cities are abandoned to their poorer citizens, with their needs growing while their resources diminish. While inner City housing ages and depreciates in value, new housing occurs primarily on the City fringe, primarily outside the City limits. Commercial and industrial centers then follow the population trend away from the center City. Without annexation, the City could be faced with decreasing rather than increasing resources.

Policies:

7. The City should consider annexation to protect the City's fiscal viability by extending its tax base for ad valorem taxes, including both real and personal property, and sales taxes and to maintain the City's bond rating.

8. The City should consider annexing nonresidential areas as a means of maximizing the City's investment return.

9. Areas which are in need of municipal services, but would create a fiscal liability to the City, should be annexed in conjunction with other areas which would generate offsetting revenue surpluses.

10. Cost-revenue analyses for prospective annexation areas should be estimated for at least ten (10) years after annexation. Identified capital costs should include estimated debt service as determined by the Finance Department.

11. Annexation costs should be considered budgetary mandates.

12. Areas to be annexed are eligible to receive City water and sewer services as provided in the Tyler Code.

e. Goal IV: Preserve the integrity of the City and its ETJ. By retaining control over its planning area, the City can plan for the most efficient design and use of its infrastructure, particularly its utilities and major thoroughfares. Annexation can also prevent or inhibit the further fragmentation of government, thereby reducing the total cost

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of government for citizens in the region decreasing the difficulties of resolving multi-jurisdictional problems.

Policies:

13. The City should consider annexation to extend its ETJ to provide development controls to areas it deems are in need of such controls.

14. The City should oppose the creation of additional cities, special purpose districts, and water or wastewater utilities within its ETJ unless the City determines it is not responsible and cost effective to provide the necessary services. The City may annex areas to preclude the creation of other political jurisdictions.

15. The City should consider the following criteria prior to releasing any portion of its corporate limits or ETJ to another city:

(a) There should be an exchange of areas of equivalent value with the other jurisdiction;

(b) The other city should have adequate land use controls (as determined by the City) to protect the subject area and provide assurances that these controls will remain in effect;

(c) The existing City limit or ETJ is not a logical planning boundary;

(d) Potentially significant negative fiscal impacts on the City's budget will not result if the area is released; and

(e) The area does not contain environmental resources in need of City protection.

f. Goal V. Maintain a systematic annexation process. The process by which unincorporated areas are selected for annexation should be clearly understood and designed to predict when a particular area will be annexed with some degree of certainty. Such a process would assist in providing timely extensions of public infrastructure systems and in estimating City revenues. Property owners would also benefit by knowing when their properties will receive municipal services and when taxes will be assessed.

Policies:

16. Annexation and disannexation petitions should be considered on an individual basis and referred to the City Attorney for a determination of sufficiency as to form and legality.

17. In accordance with State law, the City shall prepare an annexation plan identifying prospective annexation areas for the next three years. The plan shall be amended as needed. (Ord. 0-97-2, 1/22/97); (Ord. No. 0-99-94, 12/15/99)

**Secs. 10-3-10-9. Reserved.**

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<sup>1</sup>Tx L.G.C.43.001 et seq = annexation law

<sup>2</sup>Tx L.G.C. Annexation =Chapter 43; 43.001 et seq; for ETJ see Chapter 212