



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a resolution accepting a petition for annexation from BRMK Boerne Ranch, LLC; authorizing the City Manager to negotiate a written services agreement with the petitioner; and setting a public hearing date for said annexation

DATE: May 20, 2025

DEPARTMENT: Administration

PRESENTED BY: Scott M. Huizenga, ICMA-CM, City Manager
T. Daniel Santee, City Attorney

INTRODUCTION/BACKGROUND:

On December 12, 2024, the City of Fair Oaks Ranch received a voluntary annexation petition from BRMK Boerne Ranch, LLC. The petition requests the annexation of 344.6 acres of undeveloped land located within the City's extraterritorial jurisdiction (ETJ). The property is situated along Ammann Road to the south and west. Staff reviewed the petition and have deemed it complete. The petition is included as **Exhibit A** of the resolution.

Texas Local Government Code, Chapter 43 Municipal Annexation, Subchapter C-3 provides for annexation of area on request by owners. Section 43.0672 states

WRITTEN AGREEMENT REGARDING SERVICES.

- a) The governing body of the municipality that elects to annex an area under this subchapter must first negotiate and enter into a written agreement with the owners of land in the area for the provision of services in the area.
- b) The agreement must include:
 - 1. a list of each service the municipality will provide on the effective date of the annexation; and
 - 2. 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.
- c) The municipality is not required to provide a service that is not included in the agreement.

Section 43.0673 states:

PUBLIC HEARING.

- a) Before a municipality may adopt an ordinance to annex an area under this subchapter, the governing body of the municipality must conduct one public hearing.
- b) During the public hearing, the governing body:

1. must provide persons interested in the annexation with the opportunity to be heard; and
 2. may adopt an ordinance annexing the area.
- c) The municipality must post notice of the hearing on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearing in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for the hearing must be:
1. published at least once on or after the 20th day but before the 10th day before the date of the hearing; and
 2. posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

This voluntary annexation petition is related to an anticipated residential development to be known as Post Oak Subdivision. A concept of the development can be found in the petition under item G.

After the City Council's approval of a resolution accepting the annexation petition, authorizing the City Manager to negotiate a service plan agreement, and setting a public hearing for June 19, 2025, staff will prepare and present to the City Council at a series of annexation-related documents for Council consideration, including:

- Service plan agreement
- Annexation ordinance
- Future Land Use Map amendment and Zone Designation ordinances

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with Texas Local Government Code Chapter 43 Municipal Annexation, Subchapter C-3 Annexation of area on request by owners, Section 43.0671-43.0673.
2. Complies with the City's Unified Development Code Chapter 2 Review Authority and Procedures, Chapter 3 Applications and Permits
3. Supports Strategic Action Plan Pillar 2 Responsible Growth Management.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution accepting the petition for annexation from BRMK Boerne Ranch, LLC, authorizing the City Manager to negotiate a services agreement, and setting June 19, 2025 as the public hearing date for said annexation.