

Discussion on Disannexation

The area under consideration for disannexation was annexed into the City on September 10, 2007. A service plan describing the City's plans to provide municipal services to the area was provided as part of the annexation proceedings. That service plan was valid for 10 years, so it expired in 2017. Under the plan, the area was to be provided municipal services, but the following disclaimer was provided in the next to the last section of the service plan: "Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service." The City was justified in not providing a full level of services due to the "population density" provision. As of right now, there are no permanent residents in the area that was annexed.

TML General Counsel Scott Houston, who is TML's annexation expert, informed staff that property owners in the area under consideration do not qualify to petition for disannexation under Texas Local Government Code Sec. 43.141. *"DISANNEXATION FOR FAILURE TO PROVIDE SERVICES. A majority of the qualified voters of an annexed area may petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area: (1) if the area was annexed under Subchapter C-1, within the period specified by Section 43.056 or by the service plan prepared for the area under that section;"*

Houston stated that based on this portion of the above citation, *"within the period specified by Section 43.056 or by the service plan prepared for the area under that section,"* property owners could not petition for disannexation because the period referred to expired in 2017. Not knowing all the facts, he didn't address another problem with our petitioners in that none of them can be considered "qualified voters" of the "annexed area." No one signing the petition resides in the area.

Additionally, the petition falls short on the procedural side in that the requirements of Sec. 43.141(d) and (f) have not been satisfied.

Please be aware that there are other areas within the City where not all municipal services are provided. There is an area on the west side of town right before you get to the Paluxy River on the north side of Hwy 67 where sewer service, presently, isn't available. Also, sewer service isn't available to City residents on Tom Rumph Road. There may be other areas, but these are two areas that management is familiar with.

Other than sewer and water service (with the former already being provided to the area by Somervell County Water District), the City is prepared to provide all other municipal services to

the area upon request. The sewer main that is being extended into the area is partially the result of discussions with County Judge Chambers to provide sewer service to the area to be available to serve the 18 acres the County is attempting to sell. The thought was that the property could be more densely developed if sewer service were available. Minimum lot size is ½ acre for areas served by a public water utility where septic tanks are required.

A route through the golf course was being considered at one time, but due to the routing along Squaw Creek and the costs and potential heartache that would have been experienced due to digging across the course's greens, PE Chris Hay recommended the line be installed on what is now Bull Adams Lane. The 18 acres could be served through use of a lift station and forced main. City staff have offered to explore the possibility of the City extending sewer service to the 18 acres and to some of the other tracts and to present the matter to the City Council, but the two parties this offer was extended to expressed no interest in pursuing the matter.

As you know, the City is in the process of spending about \$700,000 to extend sewer service to an area across the street from the Squaw Creek Cemetery. The plan, when this project was begun, was to provide service to the 102 acre tract now being developed by Mr. Gosdin, to the tracts being carved off the golf course, and to other tracts in the area that might be interested in annexing into the City to acquire sewer service.

Should the City Council wish to allow the area to disannex, it may do so through Section 43.144 of the TLGC. The petition is irrelevant as far as the process goes regarding such a disannexation.