

TEXAS LOCAL GOVERNMENT CODE
SUBCHAPTER G. DISANNEXATION

Sec. 43.141. DISANNEXATION FOR FAILURE TO PROVIDE SERVICES.

- (a) 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; or
 - (2) if the area was annexed under Subchapter C-3, C-4, or C-5, within the period specified by the written agreement under Section [43.0672](#) or the resolution under Section [43.0682](#) or [43.0692](#), as applicable.
- (b) If the governing body fails or refuses to disannex the area within 60 days after the date of the receipt of the petition, any one or more of the signers of the petition may bring a cause of action in a district court of the county in which the area is principally located to request that the area be disannexed. On the filing of an answer by the governing body, and on application of either party, the case shall be advanced and heard without further delay in accordance with the Texas Rules of Civil Procedure. The district court shall enter an order disannexing the area if the court finds that a valid petition was filed with the municipality and that the municipality failed to:
- (1) perform its obligations in accordance with:
 - (A) the service plan under Section [43.056](#);
 - (B) the written agreement entered into under Section [43.0672](#); or
 - (C) the resolution adopted under Section [43.0682](#) or [43.0692](#), as applicable; or
 - (2) perform in good faith.
- (c) If the area is disannexed under this section, it may not be annexed again within 10 years after the date of the disannexation.
- (d) The petition for disannexation must:
- (1) be written;

- (2) request the disannexation;
 - (3) be signed in ink or indelible pencil by the appropriate voters;
 - (4) be signed by each voter as that person's name appears on the most recent official list of registered voters;
 - (5) contain a note made by each voter stating the person's residence address and the precinct number and voter registration number that appear on the person's voter registration certificate;
 - (6) describe the area to be disannexed and have a plat or other likeness of the area attached; and
 - (7) be presented to the secretary of the municipality.
- (e) The signatures to the petition need not be appended to one paper.
- (f) Before the petition is circulated among the voters, notice of the petition must be given by posting a copy of the petition for 10 days in three public places in the annexed area and by publishing a copy of the petition once in a newspaper of general circulation serving the area before the 15th day before the date the petition is first circulated. Proof of the posting and publication must be made by attaching to the petition presented to the secretary:
- (1) the sworn affidavit of any voter who signed the petition, stating the places and dates of the posting; and
 - (2) the sworn affidavit of the publisher of the newspaper in which the notice was published, stating the name of the newspaper and the issue and date of publication.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1167, Sec. 14, eff. Sept. 1, 1999. Amended by: Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 39, eff. December 1, 2017. Acts 2019, 86th Leg., R.S., Ch. 155 (H.B. 347), Sec. 2.15, eff. May 24, 2019.

Sec. 43.144. DISANNEXATION OF SPARSELY POPULATED AREA IN GENERAL-LAW MUNICIPALITY.

- (a) The mayor and governing body of a general-law municipality by ordinance may discontinue an area as a part of the municipality if:
- (1) the area consists of at least 10 acres contiguous to the municipality; and

- (2) the area:
 - (A) is uninhabited; or
 - (B) contains fewer than one occupied residence or business structure for every two acres and fewer than three occupied residences or business structures on any one acre.
- (b) On adoption of the ordinance, the mayor shall enter in the minutes or records of the governing body an order discontinuing the area. The area ceases to be a part of the municipality on the date of the entry of the order.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 43.148. REFUND OF TAXES AND FEES.

- (a) If an area is disannexed, the municipality disannexing the area shall refund to the landowners of the area the amount of money collected by the municipality in property taxes and fees from those landowners during the period that the area was a part of the municipality less the amount of money that the municipality spent for the direct benefit of the area during that period.
- (b) A municipality shall proportionately refund the amount under Subsection (a) to the landowners according to a method to be developed by the municipality that identifies each landowner's approximate pro rata payment of the taxes and fees being refunded.
- (c) A municipality required to refund money under this section shall refund the money to current landowners in the area not later than the 180th day after the date the area is disannexed. Money that is not refunded within the period prescribed by this subsection accrues interest at the rate of:
 - (1) six percent each year after the 180th day and until the 210th day after the date the area is disannexed; and
 - (2) one percent each month after the 210th day after the date the area is disannexed.

Added by Acts 1999, 76th Leg., ch. 1167, Sec. 15, eff. Sept. 1, 1999.