



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	09/17/2024	Agenda Items	
Approved by City Manager		Presenter(s)	
Reviewed by City Attorney		Department	
Subject	Discussion and possible action to de-annexation request received; Connie McAda		
Council Strategic Goals	Government Sustainability & Sense of Community		
Attachments / Supporting documents	Request, Survey Pictoral, Tax Office Record of Filing, BCAD PID 538245		
Financial Information	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

The City has received a request for de-annexation for 2.68 acres under ownership of Connie McAda. The City has 60 days from receipt of the request to take action; received 08/20/2024. If the City fails to take action, the property owner can file suit in District Court to force the de-annexation.

The City has not provided utilities to the property requesting deannexation. If the area has been a part of the City since before the person bought the property and not annexed under a service plan, the deannexation is up to the discretion of the City Council. City would be eligible to negotiate with the property owner to deny and/or limit the tax refund.

If deannexed, the City must refund all taxes paid, within 180 days of the date of the de-annexation, pending the afore statement. If payment is negotiated, payment will begin to earn interest at 6% per year after 180 days. After 210 days, it will earn interest at 1% per month.

If the City approves and grants the deannexation, an ordinance must be approved to finalize the de-annexation. This would occur at the following Regular meeting if needed.

Property Information

PID 538245; Geo ID 6488-0000-000
 2.68 acres
 MCADA Subdivision (A0079 I KEEP); Lot 2
 Physical location is East Ashley Wilson Road, rear of PID 538246



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Council previously deannexed the property directly in front of the requested in 2019 due to lack of utilities provided to the property; PID 538246. Estimated costs for utilities and pipeline interferences were discussed previously as to deannexation of PID 538246.

LGC §43.142. DISANNEXTION ACCORDING TO MUNICIPAL CHARTER IN HOME-RULE MUNICIPALITY. A home-rule municipality may disannex an area in the municipality according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by this chapter.

LGC §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.

Recommended Action

Council Discretion