



City Council Agenda Item Report

May 21st, 2013

Agenda Item

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SUBJECT: DELIBERATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING AND DIRECTING STAFF TO PROVIDE FOR PUBLIC HEARING NOTIFICATION, PREPARE A SERVICE PLAN AND INITIATE ANNEXATION PROCEEDINGS ON APPROXIMATELY 14 ACRES OF LAND LOCATED ALONG THE WEST SIDE OF FM 1626 APPROXIMATELY 1,200 FEET NORTH OF ITS INTERSECTION WITH FM 967.

1. BACKGROUND/HISTORY

One of the annexations initiated February 19th was ultimately abandoned due to a mapping error that resulted in the subject property no longer being contiguous to the city limits. At the May 7th City Council meeting, staff received feedback indicating a desire to reinstitute annexation proceedings and include the approximately 10 additional acres, for a total of approximately 14 acres.

2. FINDINGS/CURRENT ACTIVITY

In the past, the City Council has indicated a desire to move forward with annexations as expediently as possible in order to quickly realize sales tax benefits and place properties on the ad valorem tax roles as soon as possible. The Dahlstrom family has withdrawn their previous petition for annexation, so this annexation is currently proceeding as an involuntary annexation.

Should Council consider the resolution, the following is the schedule of proceedings:

- 5/21/13 Initiating Resolution
- 7/2/13 1st Public Hearing
- 7/16/13 2nd Public Hearing
- 8/6/13 1st Ordinance Reading
- 8/20/13 2nd Ordinance Reading

Staff notes that this schedule does not require any special called meetings.

3. FINANCIAL IMPACT

The proposed tracts fall within the City of Buda water service area. Wastewater service is currently provided through privately-owned on-site sewage facilities (OSSF); however, the City of Buda has sufficient capacity to provide sanitary sewer

to the areas should the property owner, at the expense of the owner, want to tie in. Water and wastewater lines are located along FM 1626 at the southern edge of the annexation area.

The property will be subject to property tax and sales tax upon annexation. The property will be assessed property tax for 2014, but revenues will not be collected until 2015. Based on current appraised value and the city's current 0.2713 ad valorem tax rate, the resulting property tax benefit to the City is \$4,556. Sales tax revenue will be collected immediately upon annexation and notification will be sent to the Comptroller's office. This annexation area includes property that currently, or is capable of, producing sales tax revenue. As Council is aware, the state allows cities to collect 2 cents in sales tax; however, the city's collection in sales tax for general fund purposes is at a ½ cent due to the following breakdown: County- ½ cent, ESD #8 - ½ cent, Buda Economic Development Corp (4B).- ½ cent, and City of Buda - ½ cent.

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends to Council approval of the resolution authorizing initiation of annexation proceedings on the property.

5. ENCLOSURES

- A. Annexation resolution
- B. Exhibit "A" map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS SETTING DATES, TIMES, AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF APPROXIMATELY 14 ACRES OF LAND; AUTHORIZING AND DIRECTING THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARINGS; AND DIRECTING THE CITY MANAGER OR HIS/HER DESIGNEE TO PREPARE A SERVICE PLAN FOR AN AREA THE CITY INTENDS TO ANNEX INTO THE CITY LIMITS.

WHEREAS, the City of Buda, Texas intends to commence annexation proceedings related to the above referenced areas of land located along the west side of FM 1626 approximately 1,200 feet north of its intersection with FM 967, to be more particularly described by metes and bounds as the property is annexed, and illustrated by the map attached as Exhibit 'A'; and

WHEREAS, the City finds that the areas to be considered for annexation are exempt from the requirements of a municipal annexation plan; and

WHEREAS, it is necessary that the City's Planning Department prepare a service plan that provides for the extension of full services to the areas proposed for annexation in accordance with Tex. Loc. Gov't. Code §43.065; and

WHEREAS, the City finds that this Resolution was adopted at a meeting of the Buda City Council that was held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Buda, Texas that:

Section 1. On Tuesday, July 2, 2013, at 6:30 p.m. and on Tuesday, July 16, 2013 at 6:30 p.m., in City Hall of the City of Buda the City Council of the City of Buda will hold Public Hearings giving all interested persons the right to appear and be heard on the proposed annexations by the City of Buda of the properties described in Exhibit A.

Section 2. The City Secretary of the City of Buda is hereby authorized and directed to cause notice of such Public Hearings to be published once in a newspaper having general circulation in the City of Buda not more than twenty (20) days, nor less than ten (10) days, prior to the date of such Public Hearings, in accordance with Texas Local Government Code 43.063(c), as amended.

Section 3. The City Manager or his/her designee shall prepare a service plan providing for the extension of full municipal services to the areas described herein and illustrated on

Exhibit "A" attached hereto. The service plan shall be prepared in compliance with Tex. Loc. Gov't. Code §43.065.

Section 4. The City Manager or his/her designee shall prepare and offer a development agreement to properties within the proposed annexation area illustrated on Exhibit "A" attached hereto appraised for ad valorem tax purposes as land for agricultural or wildlife management use, guaranteeing the continuation of the extraterritorial status of the property in compliance with Tex. Loc. Gov't. Code §43.035.

Section 5. The City Manager or his/her designee shall cause to be prepared any necessary survey instruments to describe the proposed annexation area illustrated on Exhibit "A" attached hereto.

Section 6. Should any portion or part of this Resolution be held for any reason invalid or unenforceable by a court of competent jurisdiction, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

DULY PASSED and APPROVED, on the 21st day of May, 2013.

CITY OF BUDA, TEXAS

Todd Ruge, Mayor

ATTEST:

Danny Batts II, City Secretary

EXHIBIT "A"

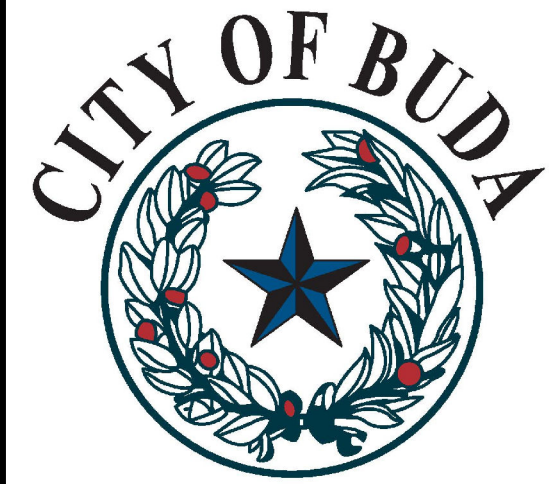





Exhibit 'A' Annexation Area

0 150 300 600 900 1,200
Feet

1 inch = 500 feet



Legend

-  City Limits
-  Buda Limited Purpose Annexation Area
-  Annexation Area near Sportsplex

Projection: Lambert Conformal Conic
(Texas Central State Plane - FIPS 4203)

Units: Feet

Datum: NAD 83

Created by: Chance Sparks, AICP, CNUA
May 14, 2013

The City of Buda makes no representations or warranties regarding accuracy or completeness of the information depicted on this map or the data from which it was produced. This map is NOT suitable for survey purposes and does not purport to depict or establish boundaries between land owners or locations of utility infrastructure where survey data is available and field locations have been established.

