Agenda Information Sheet
January 14, 2016

Agenda Item

Consider approval of an ordinance adopting a Three-Year Annexation Plan. (Director of Planning & Development)

Background & Summary of Request:

Over the past few months the Planning & Zoning Commission has been studying a proposed annexation plan. At their January 11th meeting, they are scheduled to make a recommendation on the attached Annexation Plan. This plan identifies two areas for annexation in 2019, these areas total to approximately 1,578 acres; by state law the city is limited to only annexing 10% of its current acreage therefore resulting in 1,897 acres.

If for any reason the Planning & Zoning Commission does not make a recommendation at their January 11th meeting staff will inform the Commission at the meeting.

Attachments:

1. Draft Annexation Plan Ordinance
2. Draft Annexation Plan

Ordinance No. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS ADOPTING A THREE YEAR ANNEXATION PLAN IN COMPLIANCE WITH SECTION 43.052 OF THE TEXAS LOCAL GOVERNMENT CODE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, subject to those exceptions provided Texas Local Government Code Section 43.052 the City of Marshall must prepare an annexation plan that specifically identifies annexations that may occur beginning on the third anniversary of the date of the annexation plan adopted; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing and discussed said Three-Year Annexation Plan at its meeting on November 9, 2015, and recommended that the Three-Year Annexation Plan, attached as Exhibit "A" of this ordinance, be adopted; and

WHEREAS, the City Commission conducted a public hearing on November 12, 2015 to hear citizen comments regarding the City of Marshall Three-Year Annexation Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS:

SECTION 1. Annexation planning for the City of Marshall shall be in conformance with the provisions of the Texas Local Government Code Section 43.052. Pursuant to such statute the City Commission from time to time by ordinance or resolution designate certain areas to be annexed by the City. Such designating ordinances or resolutions, together with this ordinance and subsequent amendments thereto shall constitute the annexation plan for the City of Marshall.

SECTION 2. Any area included within the Three-Year Annexation Plan may not be annexed prior to the third anniversary of the effective date of this ordinance or resolution designating the area to be annexed, unless such property meets an exemption listed in Section 43.052 of the Texas Local Government Code. Annexation of the designated area must be completed prior to the 31st say following such anniversary.

SECTION 3. This Three-Year Annexation Plan is adopted for the specific purpose of complying with Texas Local Government Code Section 43.052 and shall not be deemed to limit

the right of the City of Marshall to undertake any annexation that is exempt from the requirements of Section 43.052.

SECTION 4. The City's Three-Year Annexation Plan, attached as Exhibit "A", is made a part of this ordinance for all purposes and replaces the City's Annexation Plan adopted November 12, 2015. The territory set out in Exhibit "A" is hereby included in the Three Year Annexation Plan of the City of Marshall.

PASSED on first reading the ___ day of January, 2016.

AYES: __
NOES: __
ABSTAINED: __

PASSED on second reading the ___ day of January, 2016.

AYES: ___
NOES: ____
ABSTAINED: ____

_____
CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

_____
CITY SECRETARY

City of Marshall Three-Year Annexation Plan

January 2016

Introduction

Throughout the early 1900's the City of Marshall saw a gradual increase in population, with their largest population increase between 1900 and 1920, since then and up until 1980, the population grew by a modest 13%. Starting in 1980 the City of Marshall's population has remained stagnant, between 23,000 and 24,000. Even though the City of Marshall's population has remained flat, Harrison County has grown more than 50% since 1980 and in the past two years, Harrison County has been the fastest growing county in the East Texas Council of Government region. Based on the US Census projections, Harrison County is to have a population of 108,000 by 2050.

In order to better prepare for and accommodate anticipated growth, Marshall is taking a proactive approach to develop sound policies regarding future annexations. This plan presents information on the city's ability to annex, the required process and the long range approach to annexation. The annexation policies that have been developed demonstrate the city's desire to balance growth and the demand on city services it creates, with the goals of maintain a desirable living environment.

Purpose and Intent

Annexation is a means whereby cities can allow and manage growth without creating hardships and unnecessary costs for existing neighborhoods. Cities can grow sensibly by balancing current responsibilities with the anticipation of new developments and increased tax base. The primary reasons Marshall would choose to annex include:

- To promote orderly growth by facilitating long-range planning for the provision of municipal services to developed and developing areas.
- To allow the application of appropriate land use regulations, development and property maintenance standards, fire and construction codes and environmental regulations.
- To ensure that residents and businesses outside the corporate limits share the tax and maintenance costs for facilities, streets, and utilities necessary to meet the demand of future populations.

To achieve these purposes, Marshall has developed the annexation plan in order to accomplish the following:

- Provide decision makers with specific, objective and prescriptive guidance for making decision relating to annexation.
- Enable the city to be proactive in identifying areas for annexation by providing an annually updated five-year annexation program.
- Provide for meaningful public participation in formulating the annexation program as a part of the city's periodic review of the comprehensive plan.

Policies and Considerations

The goal of Marshall's General Annexation Plan is to insure appropriate growth, quality residential and commercial development and equitable distribution of the cost of municipal services. To achieve this goal, policies for annexation focus on two primary objectives - (1) to annex areas adjacent to the city that either is already developed or are anticipated to become developed in the near future, and (2) to annex relatively undeveloped areas in order to guide development through the city's policies and ordinances.

The following annexation policies have been developed:

- All voluntary annexation petitions will be considered for property contiguous to the city limits.
- Areas which have water and sewer infrastructure and are contiguous to the city limits will be annexed.
- Those areas where there is existing commercial development or the potential exists for commercial development and where water and sewer infrastructure is nearby and service extensions are feasible will be annexed.
- Areas will be annexed which have water infrastructure but are without sewer service in order to provide a more safe and healthy environment.
- Areas along major roadways will be annexed in order to extend municipal land use controls.
- Annexations will occur when the need for land use controls is in the best interests of the city.

Based upon the previous policies, there are a number of considerations that should be balanced prior to expanding the corporate limits of the city. Whether the annexation is voluntary or city initiated, the following should be considered:

The impact of prior service plans.

- Difficulty in identifying multiple ownerships to meet property notification requirements.
- Costs associated with the extension and/or upgrading of municipal services and infrastructure.
- Increased tax base.
- Overlapping extraterritorial jurisdictions.
- The impact of increased land use controls.

Annexation Criteria

Under current provision of the Texas Local Government Code, cities are required to formally adopt an annexation plan. All proposed annexations shown in the annexation plan must follow

a detailed process. The process consist of a city extending its municipal services, regulations, voting privileges and taxing authority to a new territory in a responsible manner. The City of Marshall, as a home rule city, may under provisions provided by Chapter 43 of the Texas Local Government Code, annex property both through voluntary and involuntary means. Voluntary annexation occurs when property owners petition the city to be included in the city's boundaries. Involuntary or unilateral annexation occurs regardless of whether property owners and/or residents in the affected area give their consent.

Under the provisions of state law, the City of Marshall may not annex a total area greater than ten percent of the incorporated area of the City as of January 1 of that year. Based upon the 18,976 acres presently within the corporate limits of Marshall, the city can annex approximately 1,897.6 acres in the first year. It is important to note, however, that the ten percent limitation does not apply for annexations which (1) are initiated at the land owners request, (2) by a majority of the qualified voters in the subject area, or (3) if the land annexed is owned by a municipality, county, state or the federal government and is used for a public purpose.

Annexation Plan Amendments

This Annexation Plan may be amended at any time per Section 43.052 if the Texas Local Government Code, which provides for the following:

1. Areas added to the Plan may not be annexed until the third anniversary of their inclusion in the Plan.
2. If an area is removed from the Plan before the end of the 18th month after the month the area was included in the Plan, the City may not again include the area in the Annexation Plan for 1 year.
3. If an area is removed from the Plan after the end of the 18th month after the month the area was included in the Plan, the City may not again include the area in the Annexation Plan for 2 years.
4. If an area is not removed from the Plan, but is also not annexed before the 31st day after the third anniversary of the date the area was included in the Plan, the City may not annex the area for 5 years.

Annexation Plan

This Plan is intended to be a dynamic document that is flexible enough to allow the City to maintain a comprehensive approach to development and growth. While state law requires the adoption of an Annexation Plan which identifies all unilateral annexations that will occur beginning three years from the adoption of the plan, this Plan addresses unilateral as well as voluntary or other annexations that are not required in the statutory plan. Having this plan enables Marshall to anticipate and direct growth and integrate service plans within the municipal budget process and capital improvements program. This ensures that development proceeds in a logical and effective manner.

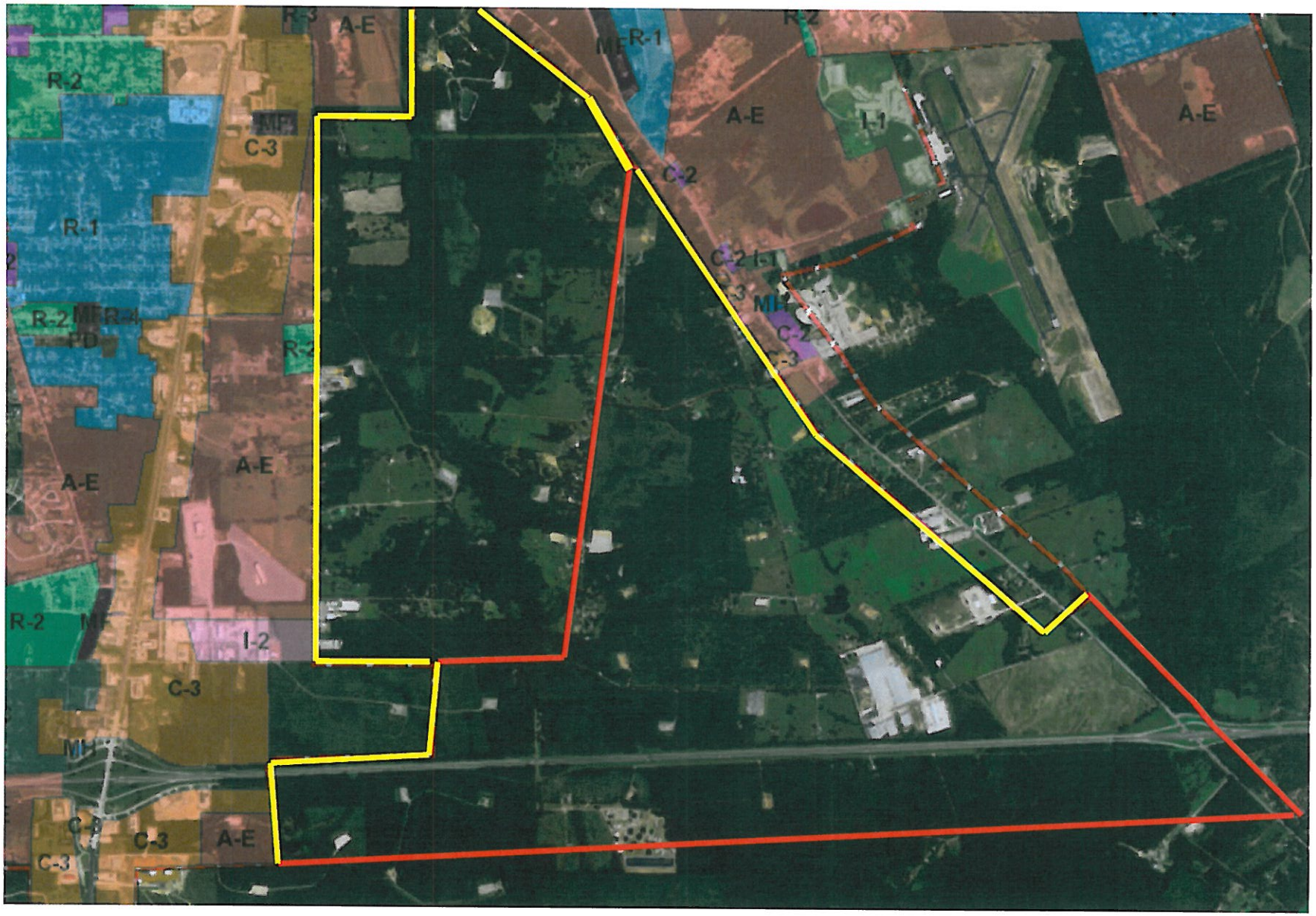
In order to help identify potential areas which might be considered for annexation over the next three years or more years, a Proposed Annexation Area Plan has been developed and is presented in Table1. While the plan shows where annexations may occur, the exact areas shown should be considered flexible and their exact dimensions will be modified as details and budgets for services are prepared. Also, the plan can be amended as revised, although this may delay the annexation of specific tracts. The priority and timelines for specific annexations will be established by independent resolutions of the Marshall City Commission.

Table 1
Future Possible Annexations

Area Number	Description	Approximate Acreage	Date Added to Plan	Earliest Date to Annex	Deadline to Annex
A	Priority area located in the southeast quadrant of the city, extending the current city limit line from HWY 31 (Elysian Fields Rd) south past the HWY 31 and Interstate 20 Interchange, then extending the new city limit line westward to meet the existing city limit line south of the Interstate 20 right-of-way line, taking in the existing sewage treatment plant; this area also includes properties north of the Interstate 20 right-of-way line to the south right-of-way line of Cox Road eastward back to HWY 31.	1,358 Acres	01/14/2016	01/14/2019	02/14/2020
B	Priority area located northeast of US HWY 80 and Loop390 East, extending the current city limit line eastward to the west of the right-of-way line of Pumpkin Center Road (CR 2218) and north to the existing city limit line north of FM 1998.	220 Acres	01/14/2016	01/14/2019	02/14/2020

Total Acreage – 1,578 Acres

Area A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A-E
R-2
MF
C-3
R-1
R-2
MF
R-4
PD
R-2
A-E
A-E
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I-2
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C-3
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C-2
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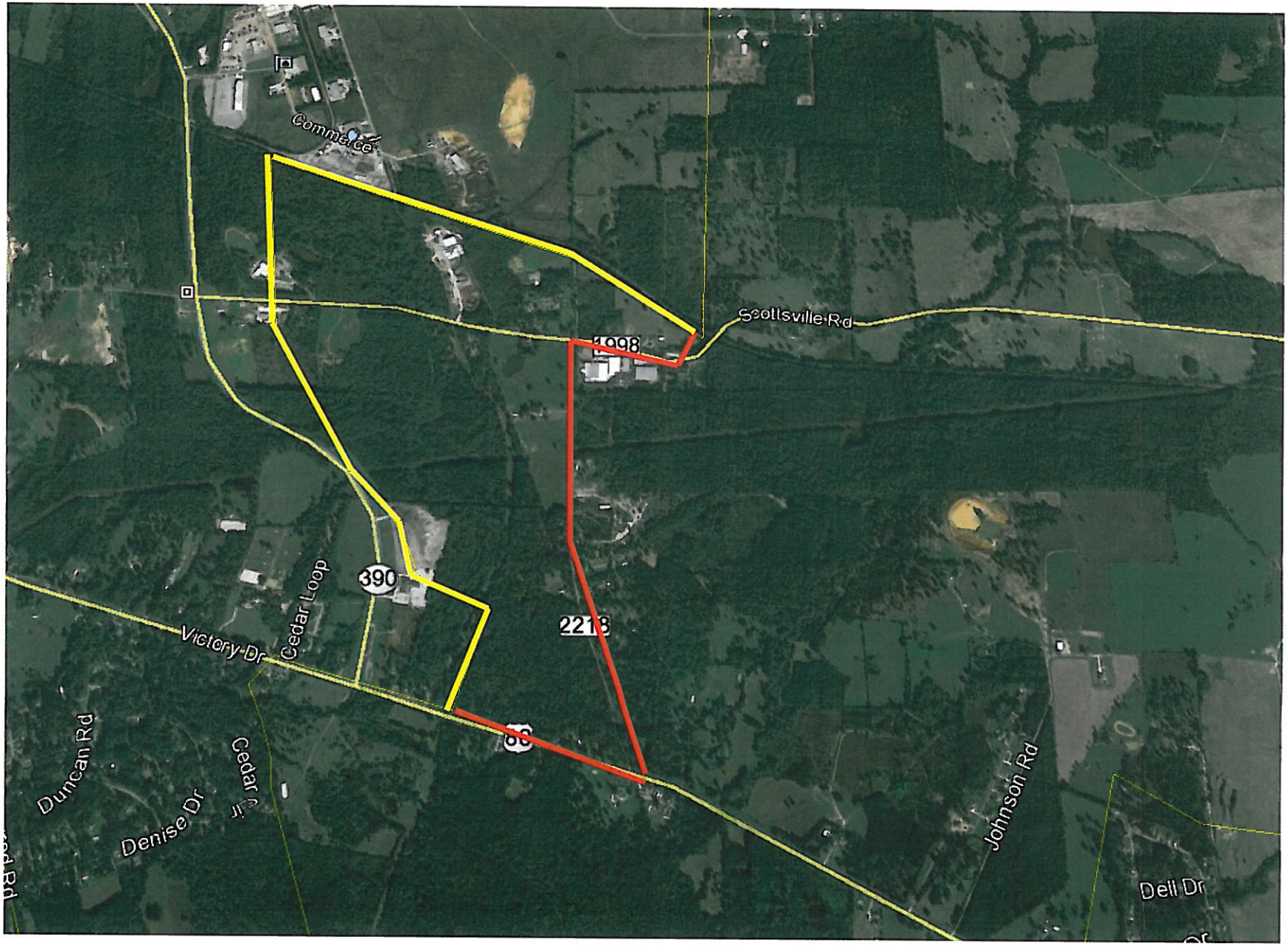
Area B


Commerce
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Cedar Loop
Duncan Rd
Denise Dr
Johnson Rd
Dell Dr