



17-1194

**TITLE:** Consider/Discuss/Act on an Amendment to the 2017 Municipal Annexation Policy, and Accompanying Ordinance

**COUNCIL GOAL:** Operational Excellence

**MEETING DATE:** December 5, 2017

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, Planning Manager  
Brian Lockley, AICP, CPM, Director of Planning  
Michael Quint, Executive Director of Development Services

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of the proposed Ordinance.

**ITEM SUMMARY:**

- In January, the City of McKinney approved the 2017 Municipal Annexation Policy, which includes two main parts: (1) decision making criteria for considering annexations in McKinney; and (2) a municipal annexation plan that identifies areas to be annexed into the corporate limits of McKinney on the third anniversary of the policy/plan adoption.
- The areas identified to be annexed were included in accordance with Section 43.052 of the Texas Local Government Code (commonly referred to as a Municipal Annexation Plan).
- However, recent amendments to Chapter 43 of the Texas Local Government Code (LGC) regarding annexations have changed the procedures for municipally annexing property into the corporate limits of the city. As such, Staff has reviewed the 2017 Annexation Policy to identify any necessary changes to remain in compliance with new annexation procedures prescribed in Chapter 43.
- While the amendments to Chapter 43 do not impact the decision making criteria

component of the 2017 McKinney Annexation Policy, they do impact the annexation plan component of the policy document.

- In order to remain in compliance with the amended Chapter 43 of the LGC, Staff recommends an amendment to the 2017 Municipal Annexation Policy to remove the Annexation Plan component and the proposed annexation of areas commonly referred to as Walnut Grove North and South New Hope.
- For reference, a redline and clean version of the proposed amendments to the Municipal Annexation Policy is attached for reference. The changes recommended by Staff do not reflect any policy-based changes and are strictly to bring the 2017 Policy document into alignment with the new annexation legislation.
- In a related item on tonight's agenda, Staff is also requesting Council direction regarding development agreements that were executed in association with the proposed annexation of these areas as well.

#### **BACKGROUND INFORMATION:**

- The annexation of land into a municipality's corporate limits is authorized and governed by Chapter 43 of the Texas Local Government Code.
- The 2017 Municipal Annexation Policy (which included the municipal annexation plan) was approved by Ordinance No. 2017-01-012 on January 17, 2017.
- As part of the annexation plan section of the 2017 Policy, approximately 49 acres of land generally located north of CR 857 and east of Custer Road (commonly referred to as Walnut Grove North) and approximately 169 acres of land generally located along the north side of US 380 between FM 1827 and CR 337 (commonly referred to as South New Hope) were identified to be annexed in January 2020 pursuant to the Municipal Annexation Plan requirements of state law.
- During the 85<sup>th</sup> Legislative Session, the Texas Legislature adopted Senate Bill 6 which drastically changed the procedures that Texas municipalities must follow for carrying out municipal annexations.
- The new procedures became effective on December 1, 2017 and any annexations completed after this date must be done pursuant to the newly amended Chapter 43 of the LGC.
- The areas identified for annexation in the 2017 Municipal Annexation Policy

document were not scheduled to be annexed until the third anniversary of the policy/plan adoption (pursuant to (then) state law). As such, these areas would require annexation in accordance with the newly adopted annexation procedures.

**SUPPORTING MATERIALS:**

[2017 Municipal Annex Policy \(current\)](#)

[2017 Municipal Annex Policy \(redline\)](#)

[Ordinance](#)

[Exhibit A - 2017 Municipal Annex Policy \(updated\)](#)