



DRAFT

CHAPTER 24

ANNEXATIONS

Annexation is the legal process which adds land to the corporate limits of a city. Annexation allows formerly unincorporated properties to receive municipal services, such as police and fire protection, garbage collection, water service, and sewer service. Controlled annexation can yield a more logical land development pattern responding to population growth and economic development opportunities, while minimizing urban sprawl and ensuring effective delivery of services.

The extraterritorial jurisdiction (ETJ) is a legally designated area of land located a specific distance beyond a city's corporate boundaries that a city has authority to annex. Chapter 42 of the Texas Local Government Code defines the size of the extraterritorial boundaries according to a city's population. The statutes allow a five-mile ETJ for cities in excess of 100,000 in population. Fort Worth's population exceeds 100,000 persons; it is allowed a five-mile ETJ. Cities with smaller populations have smaller ETJs.

The provision of water service often plays a critical role in annexation decisions. The Texas Commission on Environmental Quality issues Certificates of Convenience and Necessity (CCN) for water services to a public or private organization that will provide exclusive water service to a defined area.

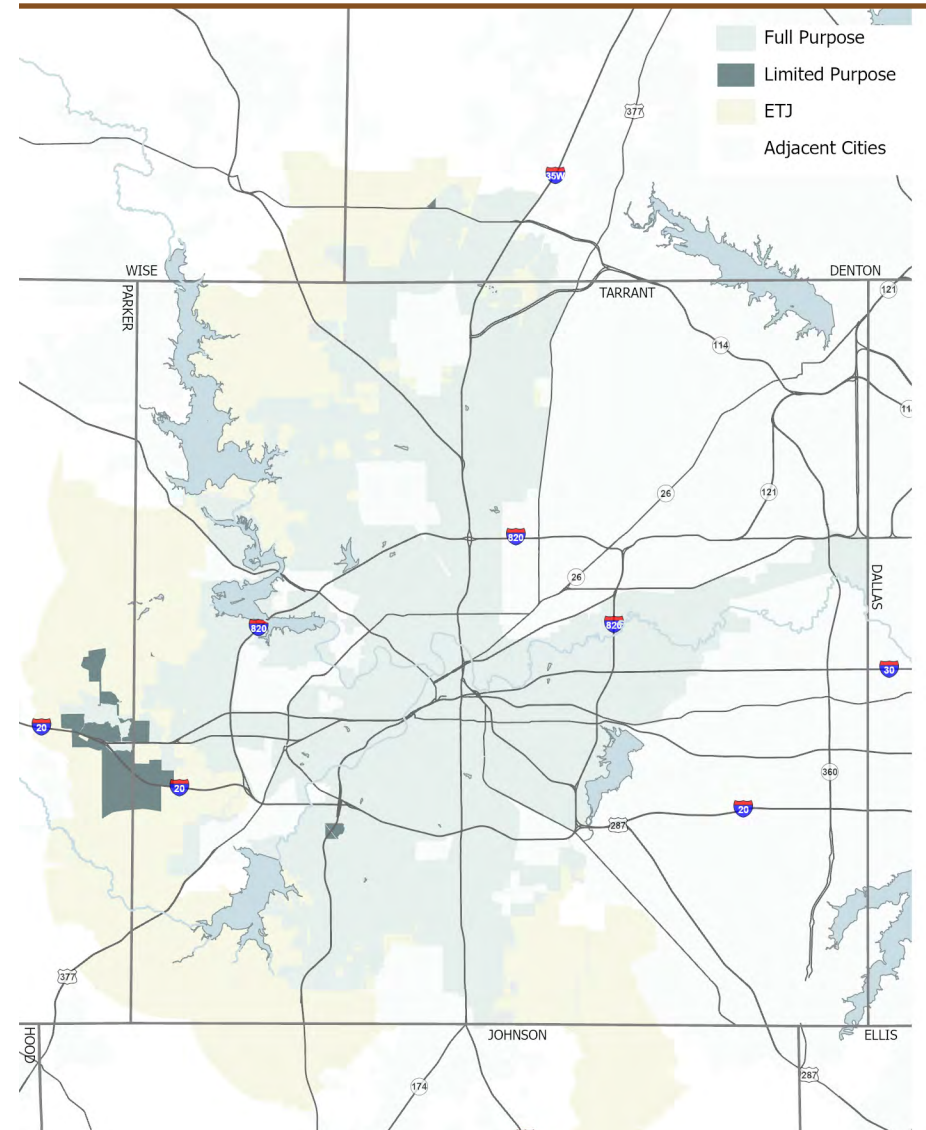
The boundary of the CCN held by the City of Fort Worth includes the majority of the land area within the city limits of Fort Worth, approximately 28 percent of its ETJ, and small areas not located in either the city limits or the ETJ. If a potential customer is located within an area for which the City of Fort Worth holds the CCN, the City must either provide water service if requested or decertify the area requesting service.

IMPACT OF ANNEXATION

Annexation provides for the more efficient provision of public services and infrastructure necessary to develop raw land and consequently the tax base for the city, the region, and the state.

Only after land is annexed to the City can zoning be applied to the property. Through the subsequent application of City zoning controls, annexation prevents the establishment of incompatible development patterns, while protecting existing and future land uses. Annexation therefore can be used as a growth management tool by promoting orderly development patterns. In some cases, the City of Fort Worth has approved limited-purpose annexations with appropriate zoning for which full city services are not extended and city taxes are not imposed.

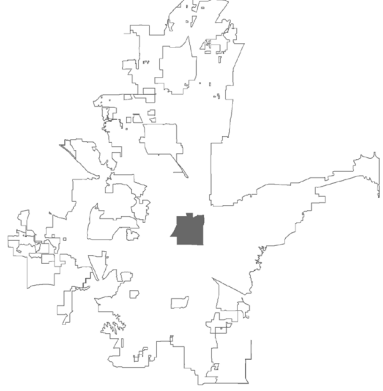
CITY LIMITS & ETJ, 2022



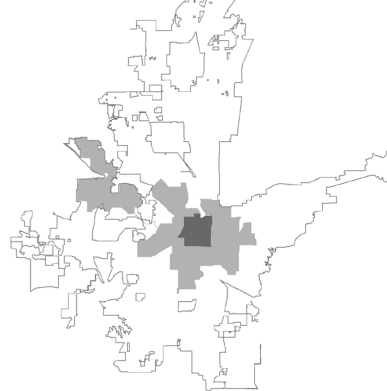
The light gray shading on the map above shows Fort Worth's city limits, with the dark gray shading identifying limited-purpose annexation areas. The light-yellow area is Fort Worth's ETJ, which can extend up to five miles beyond the city limits. The current ETJ contains approximately 273 square miles of land.

Source: City of Fort Worth, Development Services Department, 2023.

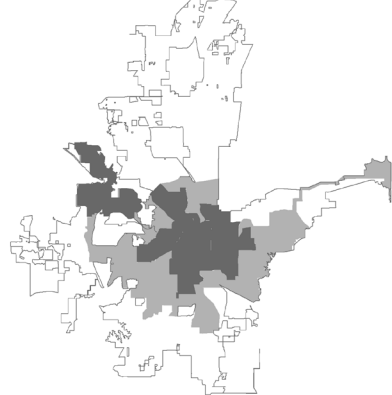
1873 - ORIGINAL TOWN



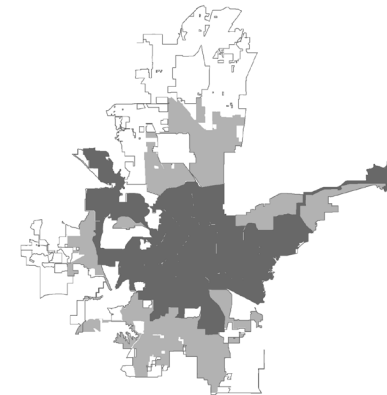
1874-1930



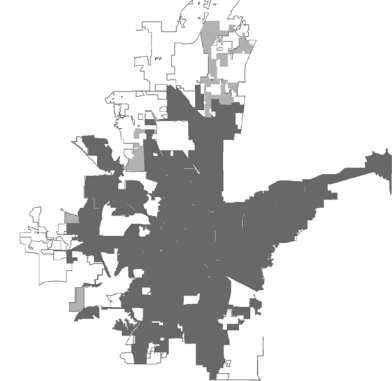
1931-1962



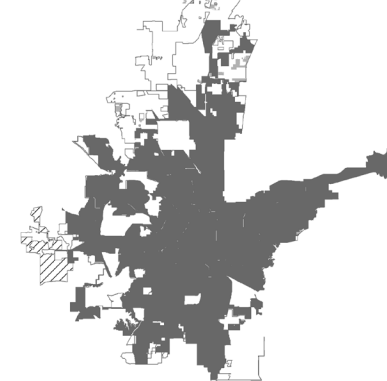
1963-1986



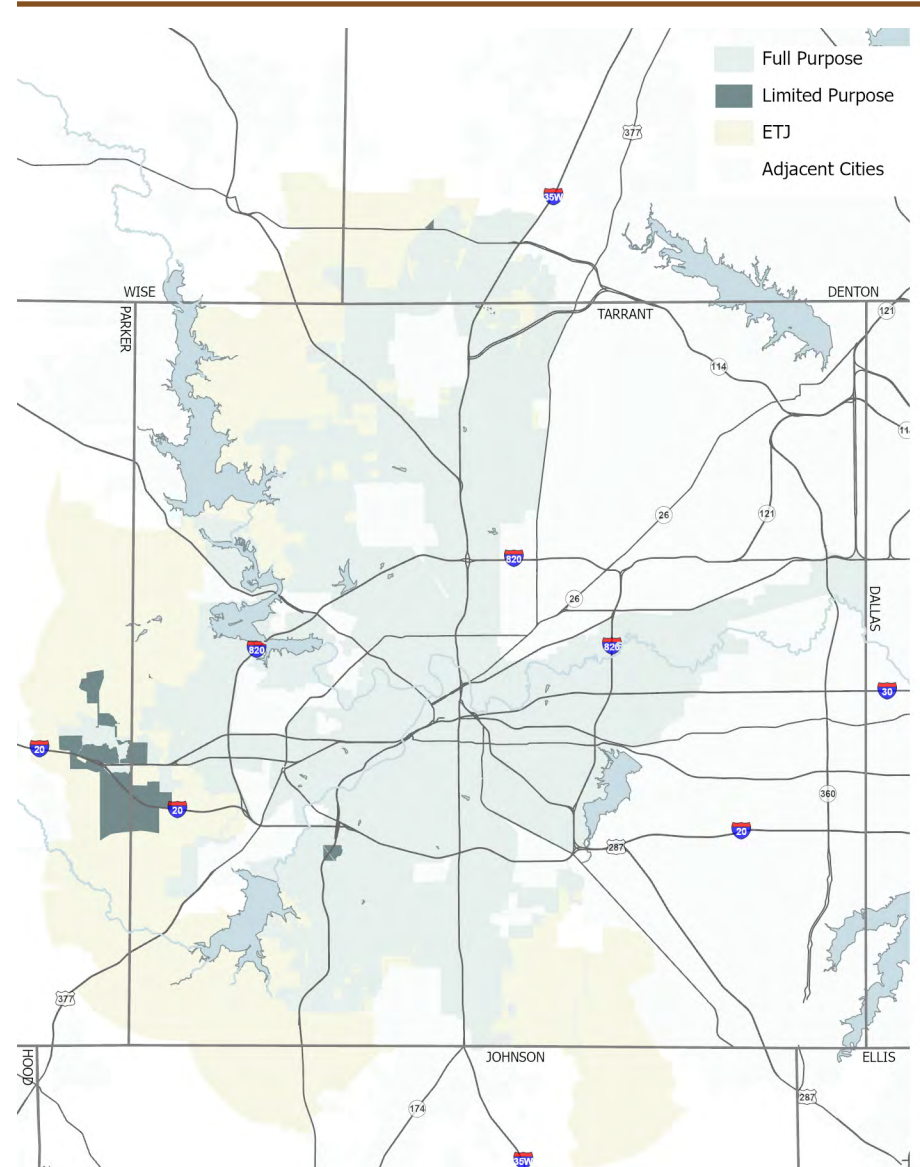
1987-1990



1991-2009



2010-PRESENT



Source: City of Fort Worth, Development Services Department, 2023.

ANNEXATION POLICY

The 2004 annexation policy was adopted on September 7, 2004 and includes sections on: annexation criteria and procedures, disannexation, preparation of fiscal impact analysis, short-term and long-term annexation program, and external communication.

The 2004 annexation policy:

- Provides specific and objective criteria to the City Council for making annexation decisions;
- Provides for preparation of an annexation program that identifies areas the City wishes to consider for annexation; and
- Improves external communication by holding additional public information meetings and soliciting comments from affected property owners, existing city residents, and pertinent local government agencies.
- Gives protesting property owners the opportunity to participate in negotiations related to the provision of municipal services.

Policy revisions since 2004 include:

- In March 2013 (M&C G-17824), City Council amended the annexation policy to assign low priority to large-lot (more than 1-acre) residential subdivisions that are not connected to City water and sewer systems.
- In August 2017, Texas Legislature passed Senate Bill 6.
- In 2019, Texas Legislature passed House Bill 347, Senate Bill 1024 and Senate Bill 1303.

ANNEXATION PROGRAM

The City involves property owners and community organizations from the ETJ and within the city itself in updating of the annexation program. City staff conducts information meetings with interested local governments and affected property owners to answer questions and receive comments. As a non-legally binding document, inclusion of an area in the program does not obligate the City to annex that area, nor does omission of an area from the program prevent the City from annexing the area.

The annexation program is incorporated into the Comprehensive Plan and reviewed annually to determine if other properties should be considered for annexation. Areas are placed in the annexation program based upon criteria defined in the annexation policy and the feasibility of providing city services. The City Council holds one public hearing before adopting the annexation program as part of the Comprehensive Plan.

Short-term and long-term annexation maps and descriptive tables are updated annually and provided in Appendix F: Annexation Policy and Program.

IMPLEMENTATION

To be annexed, the land must be contiguous to the city limits, unless the land is owned by the city or other exceptions in Chapter 43 of the Texas Local Government Code (TLGC) are applicable. As a home rule city subject to Chapter 43 in the Texas Local Government Code, Fort Worth may implement annexations in one of two ways:

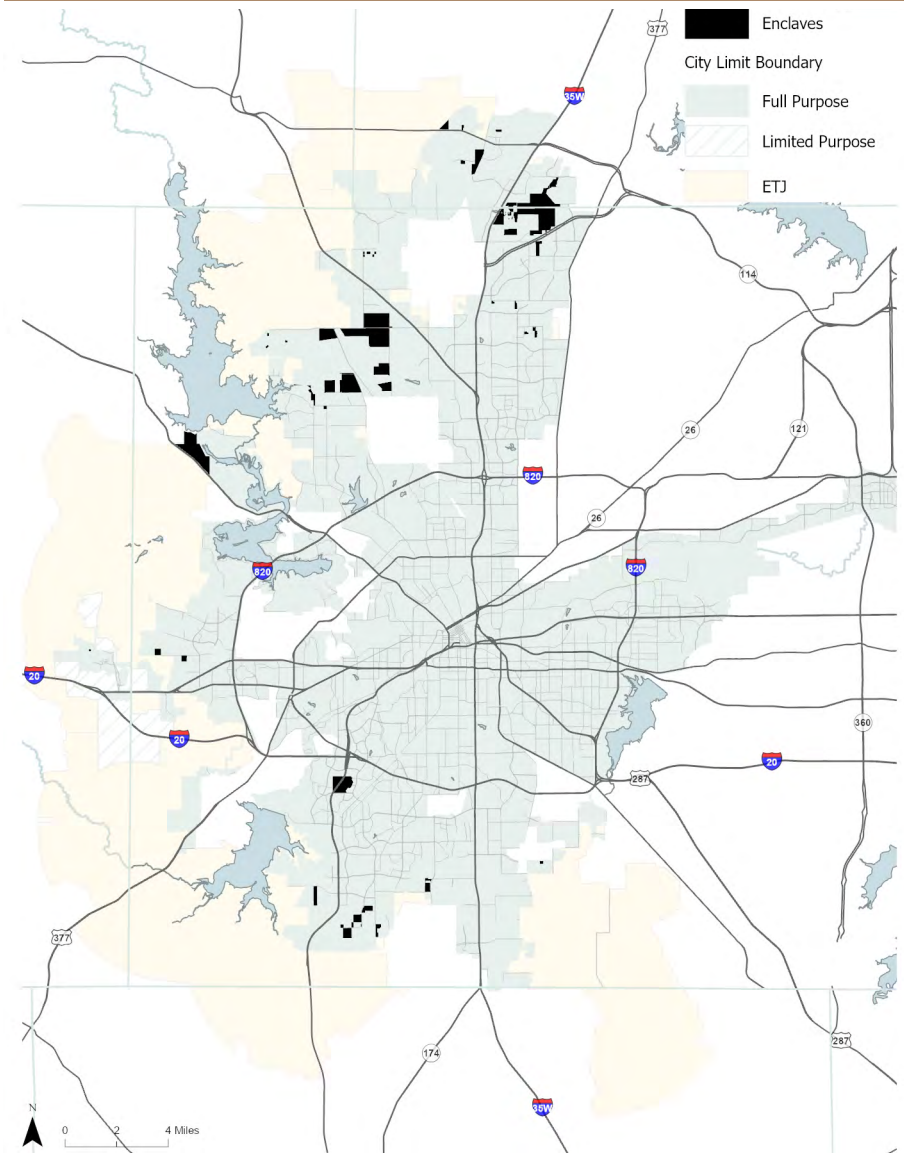
- **Full-Purpose Annexations:** Full-purpose annexation includes an area into Fort Worth and provides full municipal services including emergency response, public facilities, and maintenance of roadways and stormwater/drainage services. The city enforces all ordinances and assesses property taxes as well as sales taxes.
- **Limited-Purpose Annexations:** Under limited-purpose annexation, Fort Worth enforces planning, zoning, and health and safety ordinances. The property owners do not pay City property taxes, and the City does not provide police or fire protection, roadway maintenance, or other services. Residents can vote in City Council and charter elections, but not bond elections, and cannot run for office. The City must annex an area for full purposes within three years after limited- purpose annexation, unless a majority of the affected landowners and the City agree to extend the deadline.

Annexations can be initiated by either the property owner or the city.

- **Owner-Initiated:** A process initiated by private property owners who petition the City to annex their property into its corporate limits.
- **City-Initiated:** Any city initiated annexation will follow the processes as outlined in the Texas Local Government Code.

The City may initiate annexation with other cities to fix boundary irregularities when there is a mutually agreed upon solution.

ENCLAVES EXISTING AS OF 2022



For Planning Purposes - Enclaves are areas within the City's ETJ that are surrounded by the corporate limits of the City and/or the corporate limits or ETJ of other municipalities or otherwise approved by City Council.

Source: City of Fort Worth, Development Services Department, 2023.

Fort Worth demonstrates how the annexation process can be administered as a positive tool for guiding development in its ETJ. The strategies listed below should help the City achieve its strategic goal of promoting orderly and sustainable growth.

GOALS & STRATEGIES

1 Promote Economic Growth

Fort Worth should use annexation, where appropriate, as a tool to facilitate public private partnerships intended to stimulate local and regional economic growth and implement sound capital improvement programming.

- The City should use its ETJ as a planning resource by anticipating candidate areas for annexation. Such areas would primarily consist of raw land, be accessible to public utilities provided by Fort Worth, and be within three years of being developed.
- Prior to annexation, the City should coordinate with the property owners in developing a plan for the logical extension of infrastructure and services to the proposed development. Once plan commitments have been established, the City should verify funding sources (both public and private) for implementation of the plan.

2 Facilitate Long Range Planning

Fort Worth should use annexation to manage and regulate development on the fringe of the city in accordance with the Comprehensive Plan.

- As unincorporated areas become more densely developed, the Comprehensive Plan should identify additional growth centers in the ETJ, which should be considered for annexation.
- The Comprehensive Plan should address linkages to future growth centers in the ETJ. Consideration should be given to key thoroughfares and their impact on new development patterns as they extend into the ETJ. New regional commuter rail lines provide additional opportunities for linkages to areas in the ETJ and within the city limits.
- As requests for water are received from persons located within the water service areas authorized by CCNs, the City will make the requested service available under terms and conditions as set forth in applicable City utility service ordinances or as otherwise ordered by the State.
- As a long range planning tool, the City has identified Planned Service Areas, which are described and depicted in Appendix E: 20-Year Planned Service Areas. The Planned Service Areas (PSAs) are locations in the extraterritorial jurisdiction (ETJ) that the City of Fort Worth expects to be able to serve within the next 20 years with appropriate municipal services and infrastructure. The City should use the Planned Service Areas in Appendix E to help guide planning and decision-making on capital improvement projects, future land use allocations, municipal services forecasting, and annexation requests. Similar to the Annexation Program, inclusion of property in a Planned Service Area does not obligate the City to provide services to the property, nor does it prohibit the City from considering areas outside of PSAs for service provision.

GOALS & STRATEGIES (CONT)

3 Protect Future Development

Fort Worth should use annexation as a means of extending the City's land use regulations and building codes to protect future development from inadequate design and construction standards that may proliferate in unincorporated areas.

- As part of an owner-initiated or limited-purpose annexation, staff should prepare a report recommending the locations and types of zoning districts to be established based on the Comprehensive Plan, and file a copy of the report with the Zoning Commission and the City Council for their evaluation at public hearings.
- Planning, zoning, building inspection, code compliance, and other enforcement jurisdictions of the City of Fort Worth are extended to annexed territories on the effective date of the annexation ordinance. Developed land uses that existed prior to annexation are grandfathered in accordance with the provisions prescribed by State statute. However, all new construction projects must conform to applicable development standards of the City.

4 Foster Intergovernmental Cooperation

Fort Worth should use annexation as an approach for alleviating jurisdictional conflicts with abutting municipal and county governments, and for coordinating service delivery arrangements with emergency response providers and municipal utility districts.

The City should consider requests for boundary adjustments from adjacent municipalities where an exchange of territories of equivalent value, or an exchange for other consideration of an equivalent value, could occur between cities. The requesting municipality should have adequate land use controls to maintain development standards equivalent to those of the City of Fort Worth. It can be anticipated that such adjustments will not be adopted if the area to be released would result in a reduction to the City of Fort Worth's revenue stream or if the area contains environmental and economic resources vital to Fort Worth's interests.