

RESOLUTION 2013-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LA FERIA DIRECTING THE CITY'S PLANNING DEPARTMENT TO PREPARE SERVICE PLANS FOR SEVERAL AREAS BEING CONSIDERED AND EVALUATED FOR POSSIBLE ANNEXATION TO THE CITY OF LA FERIA, AUTHORIZING THE CITY MANAGER TO OFFER DEVELOPMENT AGREEMENTS TO OWNERS OF LAND APPRAISED FOR AD VALOREM TAX PURPOSES AS AGRICULTURAL AND TO EXECUTE ON BEHALF OF THE CITY SAID DEVELOPMENT AGREEMENTS, AND AUTHORIZING THE CITY MANAGER TO SCHEDULE ALL PUBLIC HEARINGS AND COMPLETE ALL PUBLIC NOTICE RELATED TO RECOMMENDED ANNEXATIONS.

WHEREAS, the City of La Feria is a Home Rule Municipality established under the laws of the State of Texas; and,

WHEREAS, pursuant to Texas Local Government Code, §42.021(a), the City of La Feria is authorized to annex areas within its one-mile extraterritorial jurisdiction into the City limits; and,

WHEREAS, annexation is the process by which the City extends municipal services, regulations, voting rights, and taxing authority to new territory in its extraterritorial jurisdiction and is governed by Texas Local Government Code, Chapter 43; and,

WHEREAS, upon annexation, the City is required to immediately provide certain municipal services, including police, fire and emergency medical services; and,

WHEREAS, the City is required to propose a plan by which it will extend full municipal services, including solid waste collection, water treatment and distribution, wastewater collection and treatment, operation and maintenance of roads and streets, street lighting, maintenance and operation of parks and playgrounds, to the areas to be annexed, to the same extent as similarly situated property elsewhere in the City; and,

WHEREAS, in order to provide for the orderly growth and development of land now within the City's extraterritorial jurisdiction and to provide for the future public welfare and prosperity of the City of La Feria and its citizens, the City desires to annex additional land into its city limits; and,

WHEREAS, before annexing any land appraised for ad valorem tax purposes as agricultural, the City must first offer to the owner of such agricultural land the opportunity to enter into a Development Agreement, whereby the land remains outside of city limits and untaxed by the City of La Feria but the owner agrees to be governed by the City's regulations and planning authority that do not interfere with the use of the area for agriculture; and,

WHEREAS, on January 1, 2013, the incorporated area of the City of La Feria was two thousand eight hundred sixty-three (2,863) acres; and,

WHEREAS, the City of La Feria completed no involuntary annexations during 2010, 2011 or 2102;

WHEREAS, the City of La Feria may annex up to eight hundred fifty-nine (859) acres in 2013 (thirty percent (30%) of its land area); and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LA FERIA AS FOLLOWS:

1. The recitals set forth above are found to be true and correct and they are hereby adopted by the City Commission and made a part of this Resolution.
2. The Planning Department of the City of La Feria is hereby directed to prepare Service Plans for the extension of full municipal services to areas proposed for annexation, as said areas are identified on the map which is attached to this Resolution as Exhibit A.
3. The City Manager is authorized to offer Development Agreements to owners of agricultural lands located within the City's extra-territorial jurisdiction (ETJ), which Development Agreements guarantee the continuation of extraterritorial status of the land while also authorizing the enforcement of municipal regulations and planning authority that do not interfere with agricultural use of the land.
4. The City Manager is authorized to exercise his discretion and judgment as to the best interests of the City of La Feria in selecting those land areas for which the City will seek Development Agreements.
5. The City Manager is authorized to execute, on behalf of the City, those Development Agreements which he believes, in his judgment, are in the best interests of the City of La Feria.
6. The City Manager is authorized to schedule public hearings and notify the property owners, as required by Texas Local Government Code Chapter 43, related to the proposed annexation of any area, or partial area, shown on Exhibit A.

PASSED AND APPROVED THIS THE NINTH DAY OF JULY, 2013

APPROVED:



Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

APPROVED AS TO FORM:



Richard S. Talbert, City Attorney