



City Council Agenda Item Summary Report

Meeting Date: October 3, 2017

Submitted by: Jon Thatcher, City Attorney

Consent X	Public Hearing	Action Item
-------------------------	-----------------------	--------------------

Item Title: Consider approval of a Resolution accepting the petition for annexation and authorizing preparation of a service plan for 309.103 acres of land.

How this item ties-in with the City’s Mission, Vision and Values: This item fits both the mission and vision statement as the City pursues quality growth with a vibrant hometown feel.

Summary Statement

Following the sale of the property as contemplated in the Development Agreement between the City of Forney, Texas and the Estate of Samuel Glenn Whaley, the development agreement will automatically be assigned to Wynne Jackson, Inc. Wynne Jackson, Inc. as the developers of the property, have submitted a petition for annexation that becomes effective following their purchase of the affected property. Pursuant to Section 6.1 of the Development Agreement, the City will consider acceptance of the petition and authorize staff to proceed with the annexation process.

An annexation schedule for City Council’s consideration has been developed per Texas Local Government Code Section 43.063, which governs the procedure to be followed by the municipal government for this type of annexation. In accordance with this statute, annexations must be strictly coordinated in conjunction with the City Council public hearing schedule due to specific timing mandates established by Texas State Law. The Texas Local Government Code requires the hearings must be conducted on or after the 40th day but before the 20th day before the date of institution of the proceedings. The annexation schedule is attached to this report and has been coordinated to comply with the scheduling requirements prescribed by the Texas Local Government Code.

Per Section 43.106 of the Texas Local Government Code, a municipality that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road. Therefore, the adjacent portions of Pecan would also be annexed with this request.

Staff recommends that the City Council approves the Resolution accepting the petition for annexation, set the date, time and place of the public hearings to be held for the voluntary annexation of approximately 309.103 acres of land, and direct staff to publish annexation hearing notices and prepare a service plan for the area to be annexed.