

1. Why does the city want to annex?

There are multiple reasons why the city wants to annex:

Cities (city taxpayers) pay for a wide array of services and facilities that benefit entire regions and the entire state. Cities are centers of employment, health care, entertainment, transportation, and merchandising used by non-city-residents throughout the region. This means that cities must support public safety services and a physical infrastructure sufficient to serve a daily influx of visitors from throughout the metropolitan region.

Annexation to provide areas for future expansion - Cities initiate annexation in order to provide areas for future growth and development. This can be especially critical in cities with limited vacant, developable property to accommodate growth within its existing boundaries.

Annexation to manage growth - Cities initiate annexation in order to employ growth management strategies. Orderly growth of a city is critical to its long-term viability. A municipality has a responsibility to its residents and taxpayers to manage its physical growth in a sensible, predictable, and fiscally responsible manner. Annexation, which provides the ability to zone property, is an essential part of that process.

Annexation to secure tax base, revenue sources - Cities need revenue to provide a regional array of services and facilities. Annexation helps provide revenue such as property tax, sales tax, franchise fees, or utility revenues.

Annexation to protect an area - Annexation provides land use control and development standards. These tools can serve as valuable resources to protect an area from unwanted development or to preserve the existing character of an area.

Annexation in response to a perceived threat - This typically takes the form of annexation of property that is developing or proposed for development for some land use deemed undesirable, or otherwise a threat, if not annexed and controlled. Often uses such as sexually-oriented businesses or heavy industries are annexed to provide zoning or other regulatory control (as described above, but applied in response to a perceived threat). Another example includes annexation initiated by a city to preclude annexation of the same area by another city.

Annexation in response to an uncertain legislative environment - The State has approved several bills in the recent past that make it increasingly difficult for cities to pursue annexation. A recent bill filed by Representative Brown requiring voter consent before a city annexes property is yet another example of such action. Should this trend continue, it may be in the city's best interest to pursue annexation sooner rather than later.

Annexation to adjust or clarify boundaries - Boundary adjustments may be needed to clarify jurisdictions, prevent confusion related to provisions of services, etc.

2. Does the city have the authority to annex?

The provisions that give a city the power or *authority* to annex are generally codified in Subchapter B of Chapter 43 of the Texas Local Government Code and in the charter of a home rule city. There are a few approaches to annexation according to the City of Boerne's muni-code:

A. Annexation by Ordinance. The Council shall have the power by Ordinance, to annex territory lying adjacent to the City, with or without the consent of the owners or inhabitants thereof, thereby extending and enlarging the bounds and limits of the City.

B. Annexation by Petition. The owner or owners of any land contiguous or adjacent to the City may, by petition in writing to the City Council, request the annexation of said land, describing it by metes and bounds. The City Council shall thereafter hear such petition and the arguments for and against the same and grant or refuse such petition as the City Council may see fit. If the City Council grants such petition, it may by proper ordinance, under such procedural rules as may be prescribed by law, receive and annex such territory as a part of the City.

C. Annexation by Election. The City Council shall have the power to order an election or elections for the purpose of annexing territory lying adjacent to the City of Boerne. Such order shall include the survey notes of the area sought to be annexed. The City Council shall give notice of the date and place of balloting at such election by publication of the order in the official newspaper of the City at least thirty days prior to the date on which such election is ordered. The residents of the territory sought to be annexed, who are qualified to vote for members of the State Legislature, shall be qualified to vote at such election. The City Council shall, at its next meeting, canvass the return of such election and if a majority of the votes cast at such election by the residents of said territory being considered for annexation, favor such annexation, the Council may declare the said territory annexed to the City of Boerne and the boundary limits of the City of Boerne shall thereafter be extended and fixed so as to include such territory.

3. What annexation procedures must a city follow?

The procedures that a city must follow for an annexation are codified in Subchapters C (plan annexations – three-year process) or C-1 (exempt annexations – much shorter process) of the Local Government Code. The subchapter to follow is based on whether or not the area must be included in an annexation plan. Every city in Texas was required to adopt an annexation plan on or before December 1, 1999. The procedures prescribed by Subchapters C or C-1 must be followed for every annexation of any type. They generally require the preparation of a service plan that spells out the level of municipal services an area will receive upon being annexed. The services must be similar to what current residents receive. In addition, they provide for notice of the annexation and notice of hearings that must be held on the service plan.

4. Will being in the city limits affect my property value? Will properties have to be reappraised?
No, annexation does not affect property value. As improvements are made to properties, there may be a reevaluation and appraisal done at that point. Specific questions about your property may be addressed to the Kendall County Appraisal District at 830.249.8012.

5. How will annexation affect my taxes?

A County resident living outside the city pays County and school property taxes. Upon annexation, the city property tax would apply as well. The current City tax rate is 0.4720%. These taxes help pay for an array of City services such as police protection, fire protection, and building inspections.

6. Will I be able to continue the use of my property after annexation? Will my property be grandfathered?

It depends. In most cases, any use of a property that is occurring immediately before annexation may continue after annexation. This use is considered to be grandfathered.

However, this DOES NOT apply to uses that are defined as nuisances under the law (things that create a health or safety hazard), such as fireworks sales. After annexation, uses that are legally non-conforming (grandfathered) may not expand without permission from the City. A change of ownership does not affect a grandfathered status.

7. What zoning is placed on my property upon annexation? How does the city rezone property?
The zoning process takes about two months and involves a recommendation from the Planning and Zoning Commission and final action by the City Council. Additional information concerning the rezoning process is available from the Planning & Community Development Department at 830.249.8511.
8. Is there a legal time limit within which a city is required to provide services to annexed areas?
Yes, most city services are required to be provided immediately upon annexation. However, State law also requires that a city provide "full municipal services" within 2 ½ years after the effective annexation date. If services cannot reasonably be provided within 2 ½ years, the maximum time allowed by State statute is 4½ years.
9. How soon after annexation would garbage service be provided?
Solid waste collection is contracted for by the City's contracted agent upon annexation.
10. When would residents see improvement in roads that are annexed? Are all roads, in or adjacent to an area, annexed or are some left in the County?
Roads and streets are annexed if they fall within the area to be annexed. With limited exceptions, roads and streets running along the perimeter of an annexation area are not typically annexed. Right-of-Way maintenance priorities are determined on a city-wide basis taking into consideration factors such as street width, volume of traffic, street conditions, and public safety hazards.
11. Would annexation affect existing easements along public roads?
No. Easements acquired by the County and/or the State will remain in effect.
12. Would I be able to burn trash after annexation?
No. Fires other than for cooking use are prohibited within the City of Boerne. Outside fires such as chimneys, fire pits, and other decorative fires are also prohibited. If you have any questions please contact the fire marshal's office at (830) 249-9511.
13. Would private areas remain private after annexation?
Yes, private roads would remain private after annexation.
14. How will annexation affect my use of firearms?
It shall hereafter be unlawful for any person to discharge or cause to be discharged any gun, pistol, rifle, shotgun or firearm of any kind designed for the purpose of discharging a shell or cartridge which is capable of propelling a bullet, pellet or missile, at any place within the

corporate limits of the city; however, nothing contained in this section shall prohibit or interfere with duly qualified and commissioned peace officers in the performance of the official duties of their office or with the protection of a person's private person or property in or about his home from discharging firearms.

15. Will I be able to continue to keep my animals and livestock that I presently have?

Refer to the Keeping of Animals in the City Limits of Boerne Ordinance. Additional information concerning the keep of animals is available from the Planning & Community Development Department at 830.249.8511.