

City of West Columbia
Annexation Policy
As of 08/12/2013

The City of West Columbia is a Type A General Law city and can only annex property under certain circumstances upon request or to receive any city utility.

Residents wishing to be annexed must submit a petition to be annexed that includes a “Metes and Bounds” description of the property proposed to be annexed. Property proposed for annexation must be less than one-half mile in width and be contiguous to the existing City Limits of West Columbia.

The request is reviewed by City Council and, if Council is receptive to the request, passes an ordinance annexing the property.

Notification of the successful annexation of the property is submitted to the Department of Justice, Texas State Comptroller, Brazoria County and all of the affected utility companies.

Once the property is annexed, if utilities are not readily available, the City has two years in which to get utilities to the property.

§ 43.028. AUTHORITY OF MUNICIPALITIES TO ANNEX SPARSELY OCCUPIED AREA ON PETITION OF AREA LANDOWNERS.

(a) This section applies only to the annexation of an area:

- (1) that is one-half mile or less in width;
- (2) that is contiguous to the annexing municipality; and
- (3) that is vacant and without residents or on which fewer than three qualified

voters reside.

(b) The owners of the area may petition the governing body of the municipality in writing to annex the area.

(c) The petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area.

(d) After the 5th day but on or before the 30th day after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate.

(e) If the governing body grants the petition, the governing body by ordinance may annex the area. On the effective date of the ordinance, the area becomes a part of the municipality and the inhabitants of the area are entitled to the rights and privileges of other citizens of the municipality and are bound by the acts and ordinances adopted by the municipality.

(f) If the petition is granted and the ordinance is adopted, a certified copy of the ordinance together with a copy or duplicate of the petition shall be filed in the office of the county clerk of the county in which the municipality is located.

§ 43.024. AUTHORITY OF TYPE A GENERAL-LAW MUNICIPALITY TO ANNEX AREA ON REQUEST OF AREA VOTERS.

- (a) This section applies only to the annexation of an area that:
 - (1) is one-half mile or less in width; and
 - (2) is contiguous to a Type A general-law municipality.
- (b) If a majority of the qualified voters of the area vote in favor of becoming a part of the municipality, any three of those voters may prepare an affidavit to the fact of the vote and file the affidavit with the mayor of the municipality.
- (c) The mayor shall certify the filed affidavit to the governing body of the municipality. On receipt of the certified affidavit, the governing body by ordinance may annex the area.
- (d) On the effective date of the ordinance, the area becomes a part of the municipality and the inhabitants of the area are entitled to the rights and privileges of other citizens of the municipality and are bound by the acts and ordinances adopted by the municipality.

§ 43.033. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX AREA.

(a) A general-law municipality may annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area provided that the following conditions are met:

- (1) the municipality has a population of 1,000 or more and is not eligible to adopt a home-rule charter;
 - (2) the procedural rules prescribed by this chapter are met;
 - (3) the municipality must be providing the area with water or sewer service;
 - (4) the area:
 - (A) does not include unoccupied territory in excess of one acre for each service address for water and sewer service; or
 - (B) is entirely surrounded by the municipality and the municipality is a Type A general-law municipality;
 - (5) the service plan requires that police and fire protection at a level consistent with protection provided within the municipality must be provided to the area within 10 days after the effective date of the annexation;
 - (6) the municipality and the affected landowners have not entered an agreement to not annex the area for a certain time period; and
 - (7) if the area is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code:
 - (A) the municipality offers to make a development agreement with the landowner in the manner provided by Section 212.172 that would:
 - (i) guarantee the continuation of the extraterritorial status of the area; and
 - (ii) authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the agricultural or wildlife management use of the area; and
 - (B) the landowner fails to accept an offer described by Paragraph (A) within 30 days after the date the offer is made.
- (b) If, after one year but before three years from the passage of an ordinance annexing an area under this section, a majority of the landowners or registered voters in the area vote by

petition submitted to the municipality for disannexation, the municipality shall immediately disannex the area. If the municipality disannexes the area under this subsection, the municipality may discontinue providing the area with water and sewer service.