

**CITY MANAGER:** Patricia D. Adaauto, Deputy City Manager **DATE:** September 15, 2009

## **RESOLUTION**

**WHEREAS**, Section 43.052 of the Local Government Code requires each City to adopt an Annexation Plan that includes territory the City plans to annex three years from the date the territory is placed in the Annexation Plan in accordance with Section 43.052 of the Local Government Code; and,

**WHEREAS**, under Section 43 of the Local Government Code, there are a number of exceptions that allow a City to annex territory without the territory having been placed in an Annexation Plan; and,

**WHEREAS**, the City adopted an Annexation Plan, which stated that any territory that the City intended to annex would fall within one of the exceptions which exclude the territory from the requirement of being included in the Annexation Plan; and,

**WHEREAS**, even with the annexation of land that falls within one of the statutory exceptions, there are still significant costs to the City in the annexation of such land; and,

**WHEREAS**, State law requires the municipality, through a service plan, to provide the annexed area with a level of services, infrastructure and infrastructure maintenance that is comparable to similar areas within the City; and,

**WHEREAS**, the City Council to the greatest extent possible desires to establish a policy which will not place on existing taxpayers the burden of the costs of providing service and infrastructure improvements to support municipal services in areas of potential annexation; and,

**WHEREAS**, the City Council desires to adopt an annexation policy to provide guidance and set criteria which will be used to assist in determining whether land falling within one of the statutory exceptions should be annexed;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Council of El Paso hereby adopts an Annexation Policy September 15, 2009 attached as Exhibit "A" setting out the criteria in which future lands will be considered for annexation into the City of El Paso corporate limits.

**ADOPTED THIS \_\_\_\_\_ DAY OF SEPTEMBER 2009.**

**SIGNATURES ON FOLLOWING PAGE**

THE CITY OF EL PASO

---

John F. Cook, Mayor

ATTEST:

---

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

---

Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

---

Patricia D. Adaauto, Deputy City  
Manager for Development and  
Infrastructure Services

ANNEXATION POLICY SEPTEMBER 2009  
CITY OF EL PASO

It is the policy of the City of El Paso that existing taxpayers should not be burdened by the cost of providing municipal services or infrastructure necessary to support municipal services in areas of potential annexation. Currently State law requires the municipality, through a service plan, to provide the annexed area with a level of services, infrastructure and infrastructure maintenance that is comparable to similar areas within the City. However, State law does not permit the involuntary recovery of capital improvements costs for infrastructure necessary to support the services required in a service plan, except through impact fees, which is limited to only certain infrastructure costs.

Therefore the City, except in extraordinary cases (such as circumstances where the property is not required to be in the City's Annexation Plan), will only annex property through voluntary annexation where the property owners agree through either an annexation agreement or a development agreement providing for annexation, to pay for their share of providing infrastructure necessary to support municipal services within their area of annexation. This will allow the City to recover capital improvement costs necessitated by extending municipal services, to include infrastructure costs, to the newly annexed area that are not recovered through impact fees. The City Council by adoption of this Policy establishes an annexation fee of \$ 820.00 per dwelling unit or equivalent to recover these costs. The Planning Division shall review all applications to determine appropriate capital improvements to be recommended to the City Council constituting an annexation fee. The City Council recognizes that said costs and corresponding financial benefits that may arise from annexation of particular land tracts may vary and must be judged on a case by case basis. In addition to this broad policy statement, the Council desires to establish the circumstances and conditions under which a voluntary annexation proposal may be favorably received.

As a basis for that more detailed assessment, the Council has reviewed the Annexation Assessment and Strategy Study prepared by Halff Associates and presented January 21, 2009. The findings of that Study were supplemented by water and wastewater infrastructure planning information from the El Paso Water Utilities reflecting their anticipated service needs in the next ten years. Acting on that information and input from City staff the Council has adopted a scheme of preferred areas of annexation reflected in The Annexation Maps adopted by reference herein. In summary these maps depict in the color green approximately 4,000 acres in the West and 13,000 acres in the East most desirable for annexation. In addition more than 40,000 acres are reflected in blue that also have desirable annexation characteristics, and may be considered by the Council for annexation in accordance with the specifics of this policy statement.

Map areas in green applying for voluntary annexation should meet the following minimum requirements:

1. Meet all the minimum conditions set forth in State law.
2. Are contiguous with existing City limits.
3. Are subject to water and wastewater impact fees, and any other annexation fees that may be imposed by the City.
4. Agree to provide, without reimbursement (except as provided below), for the construction of collector and arterial streets in their entirety, as designated on the City's Major Thoroughfare Plan and within the proposed annexed area.
5. Provide such dedication of land as may be necessary for community facilities based on the size, density and types of land uses proposed in the annexation area.
6. The applicant has submitted a general development plan for the area that includes all the information required to be submitted with an application in the annexation procedures being adopted in 20.06 of the El Paso Municipal Code.

Additionally areas in green will be subject to the following review requirements which will be prepared by staff and submitted with all annexation application and in the form of a development or annexation agreement when applicable.

1. The extent to which the general development plan incorporates smart growth principles, most essentially incorporating or promoting a mixture of land uses where appropriate, an interconnected network of streets, and transit alternatives to the automobile.
2. A statement of any capital improvements that may be or become necessary to provide municipal services in the next ten years.
3. A statement from the City Engineer specifying additional rights-of-way and roadway improvements deemed necessary within and abutting the proposed annexed areas. Improvements may include, but are not limited to, traffic signalization, street lighting and traffic calming devices.
4. The City may reduce or waive any portion of the established fee by findings that fewer capital improvements are warranted or cost less, or that the incorporation of smart growth principles in the development design has offsetting benefits to the City, including but not limited to, reduced maintenance, operating or capital costs, and improved urban environment.

5. A statement from the applicant:
  - a) Agreeing to fund the these costs, or otherwise provide for their construction.
  - b) An explanation of why the application should not be subject to said costs, which may also result in Council action waiving or reducing the fee.

.

Map areas in blue may become desirable for annexation:

1. As other areas are annexed and blue areas become contiguous.
2. When water and sewer infrastructure are planned by the EPWU and the area becomes subject to impact fees.
3. When the PSB agrees to acquire existing water and/or wastewater infrastructure.
4. Any service or governmental jurisdictional conflicts are resolved.
5. Residents in colonias must be supportive of annexation.
6. Other requirements are met as provided herein.

The City shall reserve any annexation fees obtained from the adoption of this new Policy in one or more special accounts to be used only for public capital improvements in the annexed areas.