

City of Houston, Texas, Ordinance No. 2012-197

**AN ORDINANCE ADOPTING A THREE-YEAR ANNEXATION PLAN IN ACCORDANCE WITH SECTION 43.052 OF THE TEXAS LOCAL GOVERNMENT CODE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, Section 43.052 of the Texas Local Government Code requires municipalities to adopt an annexation plan identifying areas proposed for general-purpose annexation beginning on the third anniversary of the date the plan is adopted; and

**WHEREAS**, Section 43.052 of the Texas Local Government Code enumerates certain categories of areas which are excepted from the requirement to be included in such an annexation plan, such as areas to be annexed at the request of the property owners and areas included in a strategic partnership agreement; and

**WHEREAS**, Section 43.0751 of the Texas Local Government Code provides that the governing body of a municipality and the governing body of a water control and improvement district or a municipal utility district may enter into a written strategic partnership agreement that will provide benefits to each party and that may involve limited-purpose annexations of all or a portion of such districts; and

**WHEREAS**, the City of Houston has the present intention to annex within the ensuing three-year time period territory defined in Exhibit B as the Jacintoport Industrial

District and territory within the Navigation District as defined by the City of Houston Ordinance dated April 13, 1913 included in Exhibit C that are not subject to an Industrial District Agreement; and

**WHEREAS**, the City of Houston will continue to explore the possibility of annexing areas which have been excepted by the Legislature from the requirement to be included in an annexation plan; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** The findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**Section 2.** The City Council hereby adopts an annexation plan, attached hereto as "Exhibit A," which was prepared by the City's Department of Planning and Development. The annexation plan identifies the following area not subject to an industrial district agreement: territory defined in Exhibit B as the Jacintoport Industrial District and territory within the Navigation District as defined by the City of Houston Ordinance dated April 13, 1913 and included in Exhibit C. No other areas are proposed for general-purpose annexation during the calendar years 2012, 2013 and 2014 other than the possibility of annexing areas which have been excepted by the Legislature from the requirement to be included in an annexation plan. As described in the attached Plan, City Council hereby declares the City's intention to consider requests for annexation from affected property owners and to consider the possibility of entering into

strategic partnership agreements with utility districts located in the City's extraterritorial jurisdiction, as authorized by Section 43.0751 of the Texas Local Government Code.

**Section 3.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof have been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 4.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 5.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor;

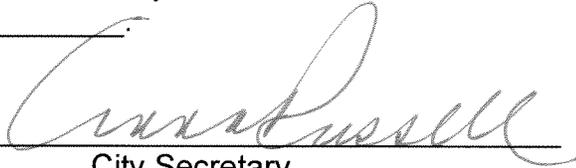
therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED** this 29<sup>th</sup> day of February, 2012.

**APPROVED** this \_\_\_\_\_ day of February, 2012.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is ~~\_\_\_\_\_~~ MAR 06 2012.

  
\_\_\_\_\_  
City Secretary

 (Prepared by Legal Dept.

  
\_\_\_\_\_  
Assistant City Attorney

(Requested by Marlene Gafrick, Director, Department of Planning and Development)  
(L.D. File No. 0611200028001

u:\skm\Annexation\Annexation Plan\Annex Plan 2012 to 2014\annex plan ord 2012 to 2014 v2.doc

AYE	NO	
✓		<b>MAYOR PARKER</b>
....	....	<b>COUNCIL MEMBERS</b>
	✓	BROWN
✓		DAVIS
✓		COHEN
✓		ADAMS
✓		SULLIVAN
<b>ABSENT-CITY BUSINESS</b>		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		LASTER
✓		GREEN
<b>ABSENT-ON PERSONAL BUSINESS</b>		COSTELLO
✓		BURKS
✓		NORIEGA
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

**EXHIBIT "A"**

**ANNEXATION PLAN FOR THE CITY OF HOUSTON  
Calendar Years 2012, 2013 and 2014**

# City of Houston Annexation Plan

## 2012 – 2014

---

### Introduction

In the State of Texas, the Local Government Code defines a city's rights and responsibilities regarding properties within its boundaries and the area immediately surrounding its boundaries (called extraterritorial jurisdiction). This Code is where cities are given authority to change their boundaries either by annexation or disannexation.

Houston's extraterritorial jurisdiction (EJT) is essentially a five-mile band around the City's general-purpose boundaries, with the exception of instances when that band intersects another municipality or its ETJ. Within its ETJ, Houston has limited regulatory authority. Two notable examples are the imposition of Chapter 42 of the Code of Ordinances, a chapter relating to the development and subdivision of land, and the City's authority to consent to the creation and expansion of other governmental entities such as municipal utility districts (often referred to as MUDs).

Annexation is the other key authority a city has within its ETJ. Recent sessions of the Legislature have modified and expanded the manner in which Houston may annex property. The different types include:

**General Purpose annexation:** This type of annexation is the most commonly known. All of Houston's historically significant annexations have occurred in this manner. For general-purpose annexation, a city must meet a strenuous public notification requirement. Upon annexation, all affected property becomes part of the general-purpose boundaries and is effectively subject to all regulations, taxes and services provided by the City. Residents within this property are residents of the City of Houston and have all the rights and responsibilities afforded thereby. Property considered for general-purpose annexation must be included in a City's annexation plan at least three years prior to the annexation. One instance where the three-year requirement is waived is if the property owner requests annexation.

**Limited Purpose annexation:** This type of annexation, authorized in the 1999 Legislature, may be conducted as part of a Strategic Partnership Agreement (SPA) with a utility district. It carries less stringent public notice requirements. The annexation typically includes commercial property only. Property (ad valorem) taxes are not levied on properties included in this type of annexation, but the City may levy a sales tax on retail sales conducted in the area. Properties annexed as part of a SPA do not carry the three-year requirement.

The SPA identifies which regulations and services, if any, are imposed in the area annexed. It also identifies the amount of sales tax to be levied and how much, if any, will be shared with the district. Finally, the SPA identifies the length of the agreement and the City's options for when and if the City might make the property subject to general-purpose annexation.

### The Annexation Plan

For the years 2012–2014, the City of Houston proposes to annex for general purposes territory located within the Navigation District, as defined by the City of Houston Ordinance dated April 13, 1913 (B3, P327), and territory generally identified as the Jacintoport Industrial District, more fully described in Exhibit A of this document, save and except those properties that have entered into valid and binding Industrial District agreements.

In addition, the City will consider the annexation of territory if requested by property owners and will continue to consider SPAs with utility districts within the City's ETJ.

**EXHIBIT "B"**

**JACINTO PORT INDUSTRIAL DISTRICT**

## **Exhibit A**

### **Industrial District Tract**

### **Property Description**

---

1. BEGINNING at the intersection of an easterly City of Houston full-purpose city limit line as defined in Ordinance 1956-3351, with a southerly City of Houston city limit line as defined in the same Ordinance, such point also being a point near the intersection of Cain Circle and Missouri Pacific Railroad;
2. THENCE in an easterly direction along that southerly city limit line to its intersection with an easterly City of Houston city limit line as defined in that same Ordinance;
3. THENCE in a northerly direction along that easterly city limit line to its intersection with a generally northeasterly and then southeasterly City of Houston city limit line as defined in that same Ordinance, such line also being the meanders of the westerly bank of Greens Bayou;
4. THENCE in a northwesterly direction along that southeasterly city limit line to its intersection with a southerly City of Houston city limit line as defined in that same Ordinance;
5. THENCE in an easterly direction along that southerly city limit line to its intersection with an easterly City of Houston city limit line as defined in that same Ordinance;
6. THENCE in a northerly direction along that easterly city limit line to its intersection with a southerly City of Houston limited-purpose city limit line as defined in Ordinance 2005-0234;
7. THENCE in an easterly direction along that southerly city limit line to its intersection with a westerly City of Houston city limit line as defined in the same Ordinance;
8. THENCE in an southerly direction along that westerly city limit line to its intersection with a generally southerly City of Houston city limit line as defined in the same Ordinance;
9. THENCE in an easterly and then northeasterly direction along that southerly city limit line to its intersection with the southerly right-of-way line of Interstate Highway 10 (the East Freeway);
10. THENCE in a generally easterly direction along that southerly right-of-way line to its intersection with the northeasterly right-of-way line of Texas State Highway Beltway 8 (Sam Houston Parkway);
11. THENCE in a southeasterly direction along that northeasterly right-of-way line to its intersection with the southeasterly right-of-way line of Market Street;
12. THENCE in a northeasterly and then generally easterly direction along that southeasterly right-of-way line to its intersection with the southwesterly right-of-way line of De Zavalla Road;
13. THENCE in a generally southeasterly direction along that southwesterly right-of-way to its intersection with the northerly boundary line of 2500 feet buffer zone of ship channel;

**Exhibit A**  
**Industrial District Tract**  
**Property Description**

---

14. THENCE in a generally westerly direction along that northerly boundary line to its intersection with an easterly City of Houston city limit line as defined in Ordinance 1956-3351;
15. THENCE in a northerly direction along that easterly city limit line to its intersection with a southerly City of Houston city limit line as defined in that same Ordinance, such point also being the POINT OF BEGINNING.

**EXHIBIT "C"**

**NAVIGATION DISTRICT AS DEFINED BY THE CITY OF HOUSTON ORDINANCE  
DATED APRIL 13, 1913**

Houston, Texas, April 18th, 1913.

To the Members of the City Council,

Of the City of Houston, Texas.

Gentlemen:-

Herewith I submit an ordinance entitled:

"An ordinance extending the corporate limits of the City of Houston Eastwardly in a general direction with Buffalo Bayou and the Houston Ship Channel so as to include in said City the said navigable stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream, to a distance of twenty (20) miles in an air line from the present Eastern boundary of said city as established by the City Charter granted by the Legislature of the State of Texas in the year 1905; and also extending the Western limits of said city Westwardly in a general direction with said Buffalo Bayou, so as to include said stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream to the dividing line between the Robert Vince Survey and the Charles Sage and Alex. Ewing Surveys, and declaring an emergency."

There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction, and I hereby request that you pass same accordingly, if it meets with your approval.

Yours very truly,

/s/ H. B. Rice  
Mayor of the City of Houston.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HOUSTON EASTWARDLY IN A GENERAL DIRECTION WITH BUFFALO BAYOU AND THE HOUSTON SHIP CHANNEL, SO AS TO INCLUDE IN SAID CITY THE SAID NAVIGABLE STREAM AND THE LAND LYING ON BOTH SIDES THEREOF FOR A DISTANCE OF TWENTY-FIVE HUNDRED (2500) FEET FROM THE THREAD OF SAID STREAM, TO A DISTANCE OF TWENTY (20) MILES IN AN AIR LINE FROM THE PRESENT EASTERN BOUNDARY OF SAID CITY AS ESTABLISHED BY THE CITY CHARTER GRANTED BY THE LEGISLATURE OF THE STATE OF TEXAS IN THE YEAR 1905; AND ALSO EXTENDING THE WESTERN LIMITS OF SAID CITY WESTWARDLY IN A GENERAL DIRECTION WITH SAID BUFFALO BAYOU, SO AS TO INCLUDE SAID STREAM AND THE LAND LYING ON BOTH SIDES THEREOF FOR A DISTANCE OF TWENTY-FIVE HUNDRED (2500) FEET FROM THE THREAD OF SAID STREAM TO THE DIVIDING LINE BETWEEN THE ROBERT VINCE SURVEY AND THE CHARLES SAGE AND ALEX. EWING SURVEYS, AND DECLARING AN EMERGENCY.

\* \* \* \* \*

WHEREAS, under an act passed by the Thirty-third Legislature of the State of Texas, authorizing cities situated along and upon navigable streams to extend by ordinance their boundaries, so as to include in said cities the

navigable stream and the land lying on both sides thereof for a distance of twenty-five Hundred (2500) feet from the thread of the stream, to a distance of twenty (20) miles, or less, in an air line from the ordinary boundaries of said city, either above or below the boundaries of said city, or both, and granting to said cities within said added territory the right to purchase or condemn property for navigation or wharfage, or for aids or facilities to either, and granting full power of regulation and control over navigation and wharfage, and over all facilities and aids to either, and full power to enforce ordinances for the policing of navigation and wharfage, and of all its facilities, known as Senate Bill No. Two Hundred and Ninety-eight (298),; and,

WHEREAS, the City of Houston is situated upon a navigable stream, and is acting under a special charter, and is desirous of extending her boundaries in accordance with the authority granted in said act.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON:

SECTION 1. That from and after the passage of this ordinance, the corporate limits of the City of Houston be, and are hereby extended, for the purposes hereinafter mentioned, from the present Eastern limits as established by the city Charter granted by the Legislature in the year 1905, Eastwardly in a general direction with Buffalo Bayou and the Houston Ship Channel, so as to include in said City the said navigable stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream for a distance of twenty (20) miles in an air line from the ordinary Eastern city boundary of such city as established by the charter thereof granted by the Legislature of the State of Texas in the year 1905. And also that the present Western city limits of said city be extended, for the purposes hereinafter mentioned, Westwardly, so as to include in said City the said navigable stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream to the boundary line separating the Robert Vince Survey from the Charles Sage and Alex. Ewing Surveys.

SECTION II. That within the territory embraced by the extension of said boundary of said city, being a strip five thousand (5000) feet wide, and

lying on both sides of said Buffalo Bayou, a distance of twenty-five hundred (2500) feet from the thread of the stream, the said City of Houston hereby assumes, and its officers and agents shall have the right, power and authority to secure land within said territory so added to said city by purchase, condemnation or gift for the improvement of the navigation of said stream in conjunction with the Government of the United States, and the Navigation District in which said stream is located, or either of them, or in its own right, for the purpose of establishing and maintaining wharves, docks, railway terminals, side-tracks, ware-houses, or any other facilities or aids whatsoever. Provided, that after the passage of this ordinance adding such territory to said city, said city shall have and exercise within said limits the fullest and most complete power of regulation of navigation and of wharfage, and of wharfage rights and of all facilities, conveniences and aids to wharfage or navigation consistent with the constitution of the State of Texas, and shall further have authority by its criminal ordinances, or otherwise, to police the navigation of said waters and the use of said wharves, and facilities and aids to wharfage or navigation; provided, that in all condemnation proceedings under this act, the same procedure shall apply that now applies in the condemnation of land by said City of Houston for the purchase of streets; provided, further, that the powers herein assumed are not intended to apply, and shall not apply, within the territory of any city which is already incorporated under the general laws, or under a special charter, or to any land now belonging to any other city or town.

SECTION III. That the land and premises included within said limits, lying beyond the ordinary boundaries of said city, as established by the present charter granted by the Legislature in the year 1905, is not subject to taxation by the City of Houston, and shall not be taxed by said city, nor shall the inhabitants of said territory so included, be entitled to the benefits of taxation by said city, nor to the rights and immunities of citizens thereof because of the extension of said limits in accordance with this ordinance.

SECTION IV. This ordinance is intended to supercede an ordinance passed by the City Council of the City of Houston on September 8th, 1908 with

caption as follows: "An ordinance extending the corporate limits of the City of Houston Eastwardly in a general direction with Buffalo Bayou, to and including the Turning Basin", and does hereby expressly repeal said ordinance in so far as same conflicts or is inconsistent herewith.

SECTION V. The near approach of the completion of the Houston Ship Channel and the urgent necessity for the construction and policing of harbor facilities, creates a public emergency requiring that this ordinance be passed finally on the date of its introduction, and the Mayor having in writing declared the existence of such emergency and requested such passage, the rule requiring three separate readings is accordingly suspended, and this ordinance passed finally on this the date of its introduction, April 18th, 1913.

Approved this the 18th day of April, A. D. 1913.

/s/ H. B. Rice

Mayor of the City of Houston