



# City of San Antonio

## Agenda Memorandum

**File Number:**17-3461

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**Agenda Item Number:** 14.

**Agenda Date:** 5/24/2017

**In Control:** Planning Commission

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**DEPARTMENT HEAD:** Bridgett White, AICP

**COUNCIL DISTRICTS IMPACTED:** 3

### **SUBJECT:**

A Resolution authorizing the Director of Planning & Community Development to execute Development Agreements between the City of San Antonio and thirty-five owners of property within the Neal Road Annexation Area to guarantee continued extraterritorial status of properties which are appraised for ad valorem tax purposes as agricultural, wildlife management or timber use for a period of 10 years.

### **SUMMARY:**

A Resolution authorizing the Director of Planning & Community Development to execute Development Agreements between the City of San Antonio and thirty-five owners of property within the Neal Road Annexation Area to guarantee continued extraterritorial status of properties which are appraised for ad valorem tax purposes as agricultural, wildlife management or timber use for a period of 10 years. Staff recommends approval.

### **BACKGROUND INFORMATION:**

When an area is proposed for annexation, the Texas Local Government Code, Section 43.035, requires a development agreement be offered in lieu of annexation to owners of property appraised for ad valorem tax purposes as land for agriculture or wildlife management use under Subchapter C or D, Chapter 23, Texas Tax Code, or as timber land under Subchapter E of that chapter. A city may not annex an area, unless the city offers to make an agreement with the land owner to continue the extraterritorial status of the area. Section 43.035 authorizes the development agreement to extend regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management or timber use. If the landowner declines to make the agreement, the City may annex the property.

Owners meeting the above referenced appraised value were mailed agreements with letters requesting the signed agreements be postmarked no later than May 15, 2017, or hand delivered to the Department of Planning & Community Development at 1400 S. Flores, San Antonio, Texas, no later than May 17, 2017 by 4:30 p.m.

A total of 46 agreements were offered for a total of approximately 2,717.09 acres. Thirty-five agreements were

signed and returned for a total of approximately 1,850.20 acres. Those properties where owners have consented to a non-annexation agreement will be removed from the annexation; however, those properties where owners declined or did not respond to the City's offer will be included in the annexation.

**ISSUE:**

The proposed agreement is consistent with the City's Annexation Policy, which states that the City shall offer non-annexation agreements to property owners, within a proposed annexation, that have agricultural exemptions, in accordance with state law.

The primary considerations of the development agreement are:

- Owners agree to consensual annexation at the end of the 10 year term or have an option to extend the agreement, by mutual consent in writing, and with City Council approval;
- The agreement allows the continuation of agriculture as an industry which supports local markets;
- The City can extend its boundaries beyond the development agreement as an area adjacent to one of these agreements is considered to be contiguous to the city;
- The development agreement does not create vested rights;
- The agreement automatically terminates with the filing of a subdivision plat or related development document, or if the use is changed to a non-agricultural use, regardless of how the area is appraised for ad valorem tax purposes; and
- Should the agreement terminate the City can proceed with annexation and zoning using the procedures for consensual annexation.

**ALTERNATIVES:**

None. This is required for annexation by the Texas Local Government Code 43.036 and 212.172.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Staff recommends approval of a Resolution authorizing the Director of Planning & Community Development to execute Development Agreements between the City of San Antonio and thirty-five owners of property within the Neal Road Annexation Area to guarantee continued extraterritorial status of properties which are appraised for ad valorem tax purposes as agricultural, wildlife management or timber use for a period of 10 years.