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MEMORANDUM

TO: Alyssa B. Mason
FROM: John D. Bell 
DATE: March 14, 2024
SUBJECT: Procedures for Annexation of Additional Territory into the DMD

The annexation of additional areas into the DMD involves compliance with two different procedures set out in State law. Section 375.043 of Texas Local Govt Code says that a district may annex land as provided by Section 49.301 and Chapter 54 of Texas Water Code.

Texas Water Code Section 54.016 sets out a procedure in which the owners of 50 percent or more of the value of the land in an area may petition to be included within a district. (Under subsection (d) of that provision, the same process applies whether the land is proposed to be included at the time of creation of a district or to be included by annexation.) Subsection (a) further provides that no land in the corporate limits or ETJ of a city shall be included within a district unless the City grants its written consent by resolution or ordinance. (A reference is provided to Section 42.042 of Texas Local Govt Code which pertains to the provision of water and sewer services which would not be applicable to annexation to a municipal management district.)

Section 375.043 of Texas Local Govt Code in subsection (b) also provides that not later than the 90th day that a district annexes land, the district shall provide a description of the metes and bounds of the area to the City.

As a result, both the approval of the DMD Board of Directors and the City Council of the City are required to complete the annexation process. The form of a Resolution to be adopted by each entity is attached. No particular published or mailed notices are required, nor does either entity have to hold a public hearing.

Section 375.117 of the Texas Local Govt Code provides that the area subject to an assessment may not include property that was not within the district boundaries at the time of the hearing approving those assessments unless the District conducts an additional hearing, preceded by the required published and mailed notices. As a result, prior to imposing the assessments in this additional area the District will need to publish and mail notices at least 30 days prior to a public hearing similar to the one conducted last year.

Let me know if you have any further questions.