



AGENDA MEMORANDUM

Action Item for the City Council Meeting of October 14, 2014

DATE: October 6, 2014
TO: Ronald L. Olson, City Manager
FROM: Daniel M. Grimsbo, P.E., AICP, Director of Development Services
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Development Agreements for Property Owners with Agricultural, Wildlife Management or Timber Land Property Exemptions in the Southside FM 2444 Annexation Area

CAPTION:

Resolution granting a Development Agreement for properties in the Proposed Southside FM 2444 Annexation Area where the property contains an agricultural, wildlife management, or timber land exemption established by the Nueces County Appraisal District and where the property owner has requested the City grant a development agreement in lieu of annexation on their qualifying property; providing for a 15 year time limit; providing that the City will not annex land that is the subject of a Development Agreement; providing that the development agreement authorizes the City to enforce all regulations and planning authority of the municipality provided the authority does not interfere with the use of the area for agriculture, wildlife management, or timber land uses; providing that the area under the Development Agreement is considered adjacent or contiguous to the city; providing that the agreement is automatically terminated if the landowner files any type of subdivision plat or related development document regardless of how the property is appraised by the Nueces County Appraisal District; providing that the agreement will be filed with the Nueces County Clerk; providing for severance; and providing an effective date.

PURPOSE:

Chapter 43.035 of the Local Government Code requires a city that has proposed to annex land in its Extraterritorial Jurisdiction to first offer a Development Agreement to property owners with an agricultural, wildlife management or timber land property tax exemption. The Development Agreement contains a guarantee that the City will not annex the land covered by the Development Agreement provided that the property owner does not attempt to develop the property and continues to maintain the agricultural, wildlife management or timber land property tax exemption. Under Chapter 43.035 the City is allowed to exercise all planning and land use regulations on property that is covered by a Development Agreement. The Development Agreement offered to the property owners in the annexation area explicitly states that the property owner is not allowed to develop wind energy units (wind farm) on the subject property.

BACKGROUND AND FINDINGS:

The City offered, by letter on July 17, 2014, a Development Agreement to all of the property owners in the FM 2444 Annexation Area with an agricultural, wildlife management or timber land

exemption. The Resolution for this agenda item contains the development agreement and property descriptions and specific maps for property owners that have signed the Development Agreement. Entering into a development agreement with the City will not allow the City to levy property taxes on the subject properties or entitle property owners to standard city services (police, fire, etc.).

ALTERNATIVES:

Not Applicable.

OTHER CONSIDERATIONS:

Not applicable.

CONFORMITY TO CITY POLICY:

- a. Pursue a policy of annexation of lands at the periphery of the City to achieve orderly growth.
- b. Pursue a policy of annexation adjacent to the City’s growth areas in order to extend zoning ordinance control consistent with adopted land use plans.

EMERGENCY / NON-EMERGENCY:

Non-Emergency.

DEPARTMENTAL CLEARANCES:

Not applicable.

FINANCIAL IMPACT:

Operating Revenue Capital X Not applicable

Fiscal Year: 2013-2014	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments:

RECOMMENDATION:

Approval of the Resolution as presented.

LIST OF SUPPORTING DOCUMENTS:

Resolution