

## CHAPTER 522

## S.B. No. 1487

An Act relating to the annexation of certain general-law cities or towns by certain larger cities or towns; adding Article 1265a to Chapter 20, Title 28, Revised Statutes.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 20, Title 28, Revised Statutes, is amended by adding Article 1265a to read as follows:

*"Article 1265a. EXTENSION OF LIMITS BY CITIES AND TOWNS OF 70,000 TO 90,000. Any city or town, including a home-rule city, having a population of not less than 70,000 nor more than 90,000 according to the last federal census, located wholly or partially within a county with a population greater than one million according to the last federal census, and completely surrounding and contiguous to a general-law city or town having a population of less than 600, shall have the power and authority to extend its boundary limits by annexing the general-law city or town in the following manner:*

*"1. The governing body of the smaller city or town may, upon its own motion, and shall within 30 days after receipt of a petition of at least 10 percent of the qualified voters of such city or town as shown by the preceding general election, pass an ordinance calling for an election consenting to annexation of the smaller city or town by the larger city. The ordinance calling such election shall provide for the submission of such proposition at an election to be held not less than 30 days nor more than 90 days after the passage of said ordinance. The election shall be conducted in accordance with the general election laws of the State of Texas.*

*"2. Within 10 days after an election in which such proposition is submitted to the voters, the governing body of such smaller city or town shall canvass the returns of such election and by*

resolution declare the results of the election. If a majority of the votes cast at such election is in favor of annexation, the town secretary or other appropriate official shall forward to the city secretary of the larger city by certified mail a certified copy of the resolution canvassing the returns and declaring the result of the election. The larger city shall have 90 days following receipt of the resolution to complete annexation of the smaller city or town by ordinance in accordance with its home-rule charter or the general laws of the state. If annexation is not completed within 90 days following receipt of the resolution, any annexation proceeding shall be null and void, and the larger city shall no longer have the right or power to annex the smaller city or town under this article. However, such failure to complete annexation shall not prevent the smaller city or town from holding a new election on the proposition to enable the larger city to annex the smaller city or town under the terms of this article.

"3. If the larger city completes annexation within the prescribed time, the incorporation of the smaller city or town shall be abolished and shall cease to exist, and all record books, public property, public buildings, money on hand, credit accounts, and other assets of the annexed smaller city or town shall become the property of the larger city and shall be turned over to the officers thereof. By such annexation, the offices existing in the smaller city or town shall be abolished, and the persons holding such offices shall not be entitled to further remuneration or compensation. All legal outstanding liabilities of such smaller city or town shall be assumed by the larger city.

"4. The annexation ordinance of the larger city shall provide for and adopt the identical comprehensive zoning ordinance for such zoned territory as such zoning ordinance existed in the town at the time of election. Any attempted annexation without adoption of the comprehensive zoning ordinance of the smaller city or town shall render any such attempted proceedings void. Thereafter, such zoning ordinance as adopted in the annexation ordinance shall not be repealed, altered, or amended for a period of 10 years, except after the written consent of the landowners owning two-thirds of the surface land of the annexed smaller city or town has been obtained.

"5. Whenever such annexed smaller city or town shall have on hand any bond funds for public improvement which are not already appropriated or contracted for, such money shall be kept in a separate special fund and devoted to public improvements in the territory for which such bonds were voted and shall not be diverted or used for any other purpose.

"6. After such annexation, all claims, fines, debts, and taxes due or payable to the annexed smaller city or town shall thereupon become due and payable to the larger city and shall be collected by it. If taxes for the current year shall have been duly assessed prior to said annexation, then the amount so assessed shall remain as the amounts due and payable from the inhabitants of such annexed smaller city or town for such current year.

"7. Providing, however, that nothing in this article shall be held or construed to repeal or nullify any charter provision of any city operating under Article XI, Section 5, of the Texas Constitution, but shall be construed as an additional power and cumulative of said charter provisions."

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 21, 1985, by the following vote: Yeas 31, Nays 0; Senate concurred in House amendment on May 27, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 24, 1985, by the following vote: Yeas 146, Nays 2, one present not voting.

Approved: June 12, 1985

Effective: Immediately