ANNEXATION PLAN

INTRODUCTION

Annexation is critical to the long-term benefits of Kaufman and must be accomplished in accordance with established goals and objectives and not on a piecemeal basis. The city’s planning areas are contained within the city limits and the extra-territorial jurisdiction (ETJ) which extends one-mile beyond the city limit boundary. Strategic annexations are required in order to protect the planning areas and allow the implementation of the Future Land Use Plan through the application of the zoning and subdivision ordinances.

The city of Kaufman has experienced tremendous growth over the past decades. Since 1940, when the population stood at a rather modest 2,654 persons, the city’s population has increased over 250 percent to its present estimate of 7,045 persons. With its location on US Highway 175 which is one of the major travel corridors in the region, this rapid rate of growth is expected to continue for the foreseeable future. In fact, using forecasting methods which reflect building permit trends, the North Central Texas Council of Governments projects the population in Kaufman County to approximately triple over the next two decades with a similar rate of growth expected for the city. With approximately 21,725 acres within Kaufman’s present ETJ, as depicted in Figure 1, there will be an ever increasing demand for city resources and infrastructure.

In order to better prepare for and accommodate anticipated growth, Kaufman is taking a proactive approach to develop sound policies regarding future annexations. This plan presents information on the city’s ability to annex, the required process and the long-range approach to annexation. The annexation policies that have been developed demonstrate the city’s desire to balance growth and the demand on city services it creates, with the goals of maintaining a desirable living environment.
PURPOSE AND INTENT

Annexation is a means whereby cities can allow and manage growth without creating hardships and unnecessary costs for existing neighborhoods. Cities can grow sensibly by balancing current responsibilities with the anticipation of new developments and increased tax base. The primary reasons Kaufman would choose to annex include:

- To promote orderly growth by facilitating long-range planning for the provision of municipal services to developed and developing areas.
- To allow the application of appropriate land use regulations, development and property maintenance standards, fire and construction codes and environmental regulations.
- To ensure that residents and businesses outside the corporate limits share the tax and maintenance costs for facilities, streets and utilities necessary to meet the demand of future populations.

To achieve these purposes, Kaufman has developed the annexation plan in order to accomplish the following:

- Provide decision makers with specific, objective and prescriptive guidance for making decision relating to annexation.
- Enable the city to be proactive in identifying areas for annexation by providing for an annually updated five-year annexation program.
- Provide for meaningful public participation in formulating the annexation program as part of the city’s periodic review of the comprehensive plan.

Although the general reason for annexing land is to regulate land use under the allowed provisions of state law, there are certain limitations to this authority. Kaufman cannot prohibit the continuation of a legal land use if the use was in existence on the date annexation proceedings were initiated. Also, a city cannot prohibit a landowner from beginning to use land if the use was planned ninety days before the effective date of the annexation and a complete application for any required government permit was
submitted before the date annexation proceedings started. However, Kaufman can impose regulations relating to sexually oriented businesses, public nuisances, flood control and the use and storage of hazardous substances including fireworks.

POLICIES AND CONSIDERATIONS

The goal of Kaufman’s General Annexation Plan is to insure appropriate growth, quality residential and commercial development and equitable distribution of the cost of municipal services. To achieve this goal, policies for annexation focus on two primary objectives - (1) to annex areas adjacent to the city that are either already developed or are anticipated to become developed in the near future, and (2) to annex relatively undeveloped areas in order to guide development through the city’s policies and ordinances.

The following annexation policies have been developed:

- All voluntary annexation petitions will be considered for property contiguous to the city limits.
- Areas which have water and sewer infrastructure and are contiguous to the city limits will be annexed.
- Those areas where there is existing commercial development or the potential exists for commercial development and where water and sewer infrastructure is nearby and service extensions are feasible will be annexed.
- Areas will be annexed which have water infrastructure but are without sewer service in order to provide a more safe and healthy environment.
- Areas along mayor roadways will be annexed in order to extend municipal land use controls.
- Annexations will occur when the need for land use controls is in the best interests of the city.
Based upon the previous policies, there are a number of considerations that should be balanced prior to expanding the corporate limits of the city. Whether the annexation is voluntary or city initiated, the following should be considered:

- The impact of prior service plans.
- Difficulty in identifying multiple ownerships to meet property notification requirements.
- Costs associated with the extension and/or upgrading of municipal services and infrastructure.
- Increased tax base.
- Overlapping extraterritorial jurisdictions.
- The impact of increased land use controls.

ANNEXATION CRITERIA

Under current provision of the Texas Local Government Code, cities are required to formally adopt an annexation plan. The annexation plan must include the proposed annexations of populated areas having 100 or more tracts of land which have been developed for a residential purpose. All proposed annexations shown in the annexation plan must follow a detailed process. The process consists of a city extending its municipal services, regulations, voting privileges and taxing authority to a new territory in a planning, responsible way. The City of Kaufman, as a home rule city, may under provisions provided in Chapter 43 of the Texas Local Government Code, annex property both through voluntary and involuntary means. Voluntary annexation occurs when property owners petition the city to be included in the city’s boundaries. Involuntary or unilateral annexation occurs regardless of whether property owners and/or residents in the affected area give their consent.

Before an area can be annexed, there are several requirements that must be fulfilled. These include (1) annexations must be contiguous to the city’s corporate limits, (2) strip annexations less than one-thousand feet in width are prohibited unless initiated by the owner of the land, (3) a city cannot annex additional land from strips less than one-
thousand feet in width or from areas that are in the ETJ only because of the previous annexation of strips less than one-thousand feet in width, (4) any proposed annexation requires a series of public hearings, and (5) an application must be submitted to the US Department of Justice for review and clearance.

Under the provisions of current state law, the City of Kaufman is allowed to annex up to ten percent of the amount of land area within its city limits each year up to a maximum of thirty percent. Based upon the 5,397.09 acres presently within the corporate limits of Kaufman, the city can annex approximately 1,619 acres in the first year. If the entire thirty percent is annexed, then the city may thereafter annex up to ten percent each year. If circumstances require the city to skip a year or not annex the entire amount allowed, the additional area may be carried over to subsequent years. But, the thirty percent maximum cannot be exceeded. Since the city will increase in area following each annexation, the ten percent allowed increases incrementally. It is important to note, however, that the ten percent limitation does not apply for annexations which (1) are initiated at the land owners request, (2) by a majority of the qualified voters in the subject area, or (3) if the land annexed is owned by a municipality, county, state or the federal government and is used for a public purpose.

ANNEXATION REVIEW PROCESS
The ETJ is the area which generally extends approximately one-mile beyond Kaufman’s present city limits and serves to define areas where future grow may occur. Annexations occur within the ETJ and the annexation process is the method used to extend municipal services, regulations, voting privileges and taxing authority. Annexations can also occur to prevent an adverse environmental or fiscal impact from occurring. There is also a statutory prohibition against a municipality annexing another’s ETJ. This provides a city with land that it alone can potentially annex. Cities are authorized to enforce their subdivision regulations (but not zoning) within their ETJ which is a means of ensuring that cities will not have to assume maintenance responsibilities for substandard infrastructure upon annexation.
Because of the fiscal implications of annexation, the costs of providing municipal services must be compared to anticipated revenues of areas proposed for annexation. The fiscal impact analysis is a method whereby tax and fee revenues expected to be generated from the annexed area are determined and compared to projected costs for providing services. A cost/benefit ratio can then be developed. However, it is important to note that positive revenue flow forecasts should not be the sole determining factor in considering annexations. Rather, there may be instances when health, safety, environmental and other factors override fiscal considerations. Conversely, some areas may have short-term financial impacts, but have acceptable long-range financial interests for the city.

In accordance with provisions of the Texas Local Government Code, all city initiated annexations included in the Proposed Annexation Area Plan must adhere to the procedures for negotiations and arbitration regarding the provision of municipal services. Conversely, a majority of the qualified voters of an annexed area may petition the city council to disannex, if the city fails to provide services to the area within the period specified by the service plan. Similarly, the city may seek to disannex an area if it determined that it is unable to provide municipal services to the area in accordance with State law. Additional details and possible exceptions are provided in the Texas Local Government Code.

ANNEXATION PLAN

While state law requires the adoption of an Annexation Plan which identifies all unilateral annexations that will occur beginning three years from the adoption of the plan, this General Annexation Plan addresses unilateral as well as voluntary or other annexations that are not required in the statutory plan. Having this plan enables Kaufman to anticipate and direct growth and integrate service plans within the municipal budget process and capital improvements program. This ensures that development proceeds in a logical and effective manner.
In order to help identify potential areas which might be considered for annexation over the next three or more years, a Proposed Annexation Area Plan has been developed and is presented in Figure 2. Details regarding specific annexations are shown in Table 1. While the plan shows where annexations may occur, the exact areas shown should be considered flexible and their exact dimensions will be modified as details and budgets for services are prepared. Also, the plan can be amended and revised, although this may delay the annexation of specific tracts. The priority and timelines for specific annexations will be established by independent resolutions of the Kaufman City Council.

<table>
<thead>
<tr>
<th>AREA NUMBER</th>
<th>DESCRIPTION</th>
<th>APPROXIMATE SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td><strong>Priority area</strong> located at the city's southern entry portal. Bisected by US Highway 175, this area will experience strong growth pressure, especially for commercial development.</td>
<td>315 acres</td>
</tr>
<tr>
<td>B1</td>
<td><strong>Priority area</strong>, located along the north side of US 175 which is a primary entry portal from the north. This area is also within one of the major growth corridors for Kaufman. Commercial and residential development is proposed for this area.</td>
<td>189 acres</td>
</tr>
<tr>
<td>B2</td>
<td><strong>Priority area</strong>, located along the south side of US 175 which is a primary entry portal from the north. This area is also within one of the major growth corridors for Kaufman. Commercial and residential development is proposed for this area.</td>
<td>129 acres</td>
</tr>
<tr>
<td>C</td>
<td>Located on the northeastern edge of the city, this area is bisected by the existing alignment of SH 34 which is a designated secondary thoroughfare. Both commercial and residential uses are proposed for this area.</td>
<td>250 acres</td>
</tr>
<tr>
<td>Area</td>
<td>Description</td>
<td>Acres</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>C1</td>
<td><strong>Priority area</strong> (and a subset of area C), located immediately adjacent to the existing alignment of SH 34 which is a designated secondary thoroughfare. This area is adjacent to the existing city limits of Kaufman and will realize development pressures in the near future.</td>
<td>127</td>
</tr>
<tr>
<td>D1</td>
<td>This area is in the southwest portion of the city, adjacent to the SH 34 travel corridor. It is also immediately south of the proposed future alignment of the SH 34 bypass. Both commercial and residential land uses are proposed for this area.</td>
<td>206</td>
</tr>
<tr>
<td>D2</td>
<td>This area is in the southern portion of the city and immediately south of the proposed future alignment of the SH 34 bypass. Residential land uses are proposed for this area.</td>
<td>162</td>
</tr>
<tr>
<td>E</td>
<td>This area is located on the eastern edge of Kaufman, along the south side of FM 243 which is a secondary entry portal to the city. Area proposed for residential uses.</td>
<td>300</td>
</tr>
<tr>
<td>F</td>
<td>This area is located on the eastern edge of Kaufman, along the north side of FM 243 which is a secondary entry portal to the city. Area proposed for commercial and residential development.</td>
<td>380</td>
</tr>
<tr>
<td>G1</td>
<td>This area is located southwest of US Highway 175 and will be in proximity to the proposed SH 34 bypass. Commercial and residential development is anticipated for this area.</td>
<td>65</td>
</tr>
<tr>
<td>G2</td>
<td>This area is located southwest of US Highway 175 and will be suited for future commercial and industrial development. This also adjacent to the primary southern entry portal to the city.</td>
<td>152</td>
</tr>
<tr>
<td>Area</td>
<td>Description</td>
<td>Acres</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>-------</td>
</tr>
<tr>
<td>H</td>
<td>Located near the primary western entry portal to the city, and part of western growth corridor. This area includes the new high school, high density residential development and commercial development.</td>
<td>341</td>
</tr>
<tr>
<td>I1</td>
<td>Bisected by FM 1836, this area is located at the southeastern edge of the city and will be developed for both commercial and residential uses.</td>
<td>407</td>
</tr>
<tr>
<td>I2</td>
<td>Located near US 175 and within the primary southern entry portal to the city, this area will be developed primarily for residential uses.</td>
<td>70</td>
</tr>
</tbody>
</table>
5-Year Program

- Proposed Annexation
- Priority Areas (within 3 years)

Total 3,322 ± Ac.