

ANNEXATION & REPLAT OVERVIEW: 1911 N STATE HWY 118 PROPERTY

Rod Ponton

Alpine City Attorney

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ALPINETX



ORIGINAL ANNEXATION OF PROPERTY

- City annexed under Ch 43, Sub. Ch. C-3, of TX Loc. Gov. Code at request of Property owner
- Legal requirements for this type of annexation:
 - Property contiguous to municipal boundary
 - City receipt of written annexation request by owner
 - Hold two public hearings (council meetings); with second notice of hearing for specific item published in paper
 - Draft/approve service plan (water, waste, gas, safe street access)



ANNEXATION WAS NOT REQUIRED—BUT CITY REAPS BENEFITS

- With retail establishment annexed into City limits, Alpine building codes apply, ensuring construction to high standards, City oversight
- City will also receive sales & property tax revenues
- Additional municipal gas customer
- Had City refused annexation, store would have been built anyway—without City inspections, no revenue to Alpine from sale/property taxes, subject only to more lax county oversight for building codes, standards



PROPERTY ANNEXATION FOLLOWED REQUIRED PROCESS

- Original Annexation request and Ordinance (No. 2022-07-01) specified Property to be zoned commercial (retail)
- Timeline for two public hearings & proper notice of second hearing in newspaper followed by City
- Service plan drafted/submitted/approved
- TX LGC Ch. 43 annexation has no requirement for letters to adjacent/nearby landowners
 - Public hearings (council meetings), newspaper notices inform citizens of plan



POST-ANNEXATION, PROPERTY OWNER SUBMITTED APP FOR REPLAT TO CITY

- Replat joins Property into single platted lot (originally ten separate County lots pre annexation by City)
- At replat, Property itself was already zoned commercial through original annexation (no change in zoning sought)
- Replat submitted to P & Z, and all applicable notices/laws followed:
 - open meeting public notices
 - letters to adjacent/nearby owners sent



PURPOSE OF P&Z MEETING IS TO MAKE SURE CITY/STATE LAW FOLLOWED

- As Property already zoned commercial upon annexation, sole purpose of P & Z review is to make sure submitted plat, service plans, etc., follow City-state regs.
- If plat in regulation, P & Z must approve plat under state law

Local Government Code § 212.005:

APPROVAL BY MUNICIPALITY REQUIRED.

The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.



PLAT MUST BE APPROVED BY CITY

- Plat conforms, meets all applicable regulations
 - Neither P & Z nor City Council has legal capacity to reject the plat approval on agenda today for Property
- If plat is conforming, Texas Supreme Court clear that municipal approval under TX LGC § 212.005 is a required ministerial duty for City:

“The platting process is intended to be an expeditious one that favors approval. The Legislature created a ministerial duty to approve a conforming plat, with no reciprocal duty to deny a nonconforming one.”

(Schroeder v. Escalera Ranch Owners' Ass'n, Inc., 646 S.W.3d 329, st 336 (Tex. 2022))



CONCLUSION

- From initial annexation request, all laws followed:
 - Duly noticed meetings/process to raise awareness that Property to be utilized for commercial retail establishment
- Property owner has met all City/state standards
 - Plat approval on council agenda therefore required
 - Illegal to deny plat now on basis that particular retail establishment may be objectionable to some
- Project would have proceeded outside City limits without annexation; Alpine benefits from having project in City
 - City oversight (muni-building standards apply)
 - Tax revenues (sales & property)

