

## A G E N D A



## Recommendation for Council Action

Austin City Council

Item ID

24324

Agenda Number

20.

Meeting Date:

5/9/2013

Department:

Planning and Development Review

## Subject

Approve a resolution regarding a citizen request seeking the City's consent to the municipal incorporation of a portion of the Hornsby Bend area (the proposed incorporation area includes several developed residential neighborhoods centered along FM 969 east of FM 973 within the City's extraterritorial jurisdiction).

## Amount and Source of Funding

## Fiscal Note

Purchasing  
Language:Prior Council  
Action:For More  
Information:

Virginia Collier, 512-974-2022.

Boards and  
Commission  
Action:

MBE / WBE:

Related Items:

## Additional Backup Information

On March 12, 2013, residents and property owners in the Hornsby Bend area submitted a formal request to the City of Austin seeking permission to hold an election to incorporate the City of Hornsby Bend as a Type A, general law city in Austin's extraterritorial jurisdiction (ETJ). The proposed incorporation area includes approximately two square miles consisting of several developed residential neighborhoods centered along FM 969 east of FM 973 as well as properties with future development potential along SH 130. Staff recommends against granting consent and is concerned with the proliferation of municipalities in Austin's ETJ.

If Council denies the request, residents may continue through the statutory municipal incorporation process for territory within the City's ETJ as follows:

- A majority of the voters and the owners of 50% of the land in the proposed new municipality petition the City of Austin for annexation. If Austin fails to annex the area within six months after the receipt of the

petition for annexation, such failure constitutes consent to the incorporation election.

- Residents of the area hold an incorporation election.

The City's interest against incorporation centers on three main concerns:

- Retaining the City's potential future service area and tax base by preserving ability to annex land in the Hornsby Bend area at some time in the future.
- Retaining the City's regulatory authority over development in the area through the enforcement of subdivision and water quality-related site plan regulations.
- Establishing a precedent leading to further erosion of the City's ETJ.