



City Council Staff Report

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SUBJECT: Staff report regarding city limits and annexation near the Sportsplex on FM 1626.

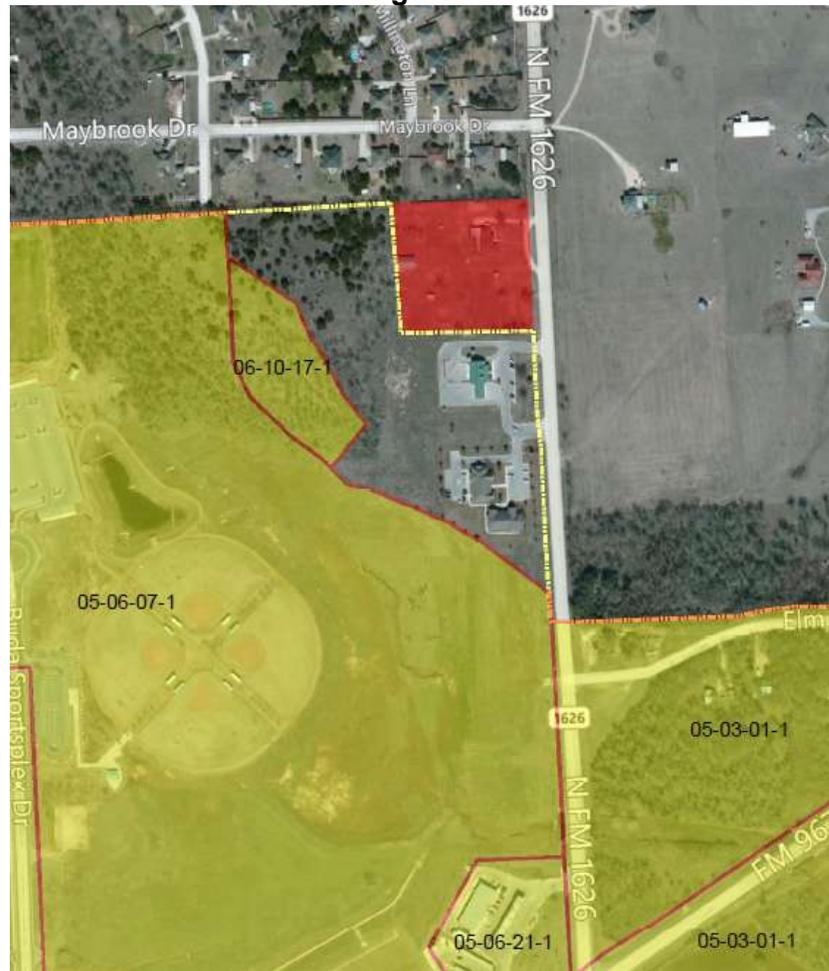
1. BACKGROUND/HISTORY

One of the annexations initiated February 19th was ultimately abandoned due to a mapping error. This annexation was initiated on the presumption that the city limit map used for the past several years, and originally developed by PBS&J, was accurate for the area near the Dahlstrom property and thus allowed for a voluntary annexation. However, research in the development of the annexation documents has revealed this map to be inaccurate, resulting in a situation in which the Dahlstrom property is not contiguous to the city limits.

Ordinance 05-06-01-1 resulted in the annexation of the majority of the Buda Sportsplex property. This ordinance contained an Exhibit A, depicting the area of annexation. However, two "Exhibit A"s were present: one a surveyed metes & bounds description and the other an illustrative map. Based on staff's review, it appears PBS&J utilized the illustrative map rather than metes & bounds in developing the boundary, and misinterpreted boundary data associated with that map. As a result, Broadway Bank, Thames' offices and remainder property owned by TWC Enterprises were erroneously shown in the city limits.

Staff bases this determination on several factors. First, the surveyed metes & bounds is the most accurate method of property description, and thus the legitimate document to reference. Secondly, a follow-up annexation took place about 16 months later (Ordinance 06-10-17-1) following a land-swap between the EDC and Thames involving land that would have been within the Sportsplex Annexation based on the now-inaccurate map. It would stand to reason that the city would not initiate annexation proceedings if it thought the property was already within the city limits. Finally, the Hays Central Appraisal District has not charged City of Buda property tax for Broadway Bank, Thames' offices and the remainder property owned by TWC Enterprises. Figure A, below, illustrates the presumed city limits, the actual city limits based on annexation ordinances, and the location of the Dahlstrom property.

Figure A



2. FINDINGS/CURRENT ACTIVITY

Staff has reviewed the rest of the city limit map and determined that this is the only such area of the city where mapping error has occurred.

There are a number of implications from this finding as well. For example, the Buda Police Department has long responded to any calls & requests from Broadway Bank, which is now determined to be outside of the city limits. In addition, this finding has led the Dahlstrom's to withdraw their annexation petition, as they are friends with Michael Thames (owner of all of the property other than Broadway Bank) and understand he does not wish to be annexed.

It is the discretion of City Council as to how the City proceeds. It can simply let things remain as they are and not pursue annexation, or elect to pursue unilateral annexation of the tracts. Staff has developed the calendar below for such an annexation, which utilizes only regular City Council meetings

- 5/21/13 Initiating Resolution
- 7/2/13 1st Public Hearing
- 7/16/13 2nd Public Hearing
- 8/6/13 1st Ordinance Reading
- 8/20/13 2nd Ordinance Reading