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OPINION COMMITTEE

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House of Representatives



Allan B. Ritter  
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FILE # ML-47605-14  
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**RQ-1210-GA**

Dear Sir:

I seek your opinion concerning an interpretation of statutory provisions contained within Subchapter F of Chapter 43 of the Texas Local Government Code, governing the authority of Texas municipalities to engage in "Limited Purpose Annexations."

The City of Orange, TX (the City) has received a request for annexation for limited purposes pursuant to Subchapter F of Chapter 43 of the Texas Local Government Code. Subchapter F is codified as Sections 43.121 through 43.136 of the Texas Local Government Code.

Facts

The City is home-rule municipality that is located in Orange County, Texas. The City has a population of 18,643. The property that is proposed to be annexed is wholly located within the City's extraterritorial jurisdiction. One hundred percent of the landowners of the property that is proposed to be annexed have requested the annexation. It is understood that the affected landowner would provide a written consent to the annexation pursuant to Section 43.129 of the Texas Local Government Code.

A concern has been raised regarding the population requirements for a home-home municipality to engage in a limited purpose annexation under the Texas Local Government Code.

Question

Does the population requirement contained in Section 43.121(a) apply to a consensual annexation under Section 4.129, or does Section 43.121(c) except a consensual annexation under Section 43.129 from the population requirements contained in Section 43.121(a)?

Respectfully submitted,

Handwritten signature of Allan B. Ritter in cursive.

Allan B. Ritter  
State Representative District 21