

Bond Case Briefs

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ANNEXATION - TEXAS

City of Harlingen v. Lee

Court of Appeals of Texas, Corpus Christi-Edinburg - February 28, 2013 - S.W.3d - 2013 WL 772661

Texas appeals court declines to recognize re-annexation as a power separate and distinct from annexation.

A Texas home-rule municipality purported to enact three separate ordinances: (1) Ordinance Number 08-65, annexing two tracts of land; (2) Ordinance Number 11-44, disannexing the area in question; and (3) Ordinance Number 12-1, repealing and rescinding Ordinance Number 11-44.

Local resident challenged the validity of these ordinances. The court found that the resident had standing to sue for disannexation because he alleged a distinct injury, traceable to the municipality's conduct, which is likely to be redressed by the requested relief.

The court of appeals found that the municipality had not offered any authority to establish that, in addition to its power to annex and power to disannex, it has a third power to re-annex. The court reviewed the relevant provisions of the Texas Local Government Code and the case law interpreting and applying those provisions and found no authority to establish that the city has a third and distinct power to re-annex. Accordingly, the court declined to recognize re-annexation as a power separate and distinct from annexation.

The court also held that the resident lacked standing to prosecute refund claims on behalf of third parties.