

## Chapter 30: Annexation

In *Cities Without Suburbs*<sup>212</sup> former Albuquerque mayor David Rusk showed how towns and cities with “flexible” borders were able to maintain their tax base through a legal process known as annexation. Vacant or under developed land adjoining the municipality would be annexed into the corporate limits. When the property was fully developed the jurisdiction would reap the benefits in the form of increased tax revenue. Of course the town would also have to pick up the cost of providing public services. If the added revenue exceeded the additional expenses then town residents benefitted from either lower taxes or improved services.

In contrast, Mayor Rusk described towns that could not annex. Over time existing homes, businesses and schools aged while middle- and upper-income residents fled to the suburbs taking their higher tax payments with them. Lower income residents were left behind. Thus the municipality was faced with declining tax revenues and the higher expenses associated with a lower income population and deteriorating infrastructure.

While annexation is one solution to this problem it is not the only and not necessarily the best) solution. The *Smart Growth* movement was inspired in part by Mayor Rusk’s landmark work. Planning agencies, development interests and citizen advocacy groups began working together to reverse the factors which encouraged middle-class flight and sprawl. Policies were adopted which make it attractive to develop within existing towns and other population centers. But since the adoption of Smart Growth principles is far from universal and complete, annexation is still a common practice.

Development interests sometimes use annexation as a way of avoiding regulation. If a county has good growth management laws, but a town incorporated within the county has less stringent regulations, then a property owner may seek annexation into the town.

Annexation can also be motivated by a desire to access public services, such as water and sewer. A town with its own water and sewage treatment facilities may restrict access to properties located within the municipal boundaries. Properties adjoining the town can only develop at the much lower densities allowed on well and septic. Thus property owners wishing to maximize development profits have a strong incentive for requesting annexation into the municipality.

If the proposed annexation of a property will harm you or your neighbors, then take a look at the applicable laws. Could the annexation be done with conditions which resolve your concerns: a win-win solution?

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<sup>212</sup> *Cities Without Suburbs*, by David Rusk, Woodrow Wilson Center Press, 0-943875-74-9, 168 pp., 2<sup>nd</sup> Edition 1995.

If the annexation is motivated by a desire to avoid regulations, which would otherwise resolve your concerns, then can you convince the municipality to adopt similar laws? If not, then perhaps your best recourse is to find some portion of annexation requirements which the applicant fails to meet. Or can you convince final decision-makers to deny the application? Look to the decision-makers in both jurisdictions. Approval may be required from not only municipal officials but also those administering the jurisdiction in which the property is presently located. Also, approval may be required of a majority or all of those who own property within the area proposed for annexation.