



**Office of the Attorney General  
State of Texas**

**DAN MORALES**  
ATTORNEY GENERAL

March 21, 1995

Honorable Paul Sadler  
Chair  
Committee on Public Education  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910

Letter Opinion No. 95-017

Re: Whether a municipality is responsible for preparing an accurate map of municipal boundaries after the municipality has annexed territory (ID# 25341)

Dear Representative Sadler:

Your predecessor in office, Representative Linebarger, requested us to determine which party, a municipality or the landowner of a particular piece of real property, is responsible, after the municipality has annexed territory, for preparing an accurate map of the city boundaries as they cross that piece of property. We conclude that the municipality is responsible for preparing such a map.

Section 41.001 of the Local Government Code resolves the question. It provides as follows:

(a) Each municipality shall prepare a map that shows the boundaries of the municipality. A copy of the map shall be kept in the office of the secretary or clerk of the municipality. If the municipality has a municipal engineer, a copy of the map shall also be kept in the office of the engineer.

(b) If the municipality annexes territory, the map shall be immediately corrected to include the annexed territory. The map shall be annotated to indicate:

- (1) the date of annexation;
- (2) the number of the annexation ordinance, if any; and
- (3) a reference to the minutes or municipal ordinance records in which the ordinance is recorded in full.

On its face, section 41.001 places on a municipality the burden for preparing a map indicating the boundaries of the municipality. A municipality also is responsible for

immediately correcting the map of its boundaries if the municipality annexes territory.<sup>1</sup> Cf. Letter Opinion No. 94-33 (1994) at 2 (concluding that municipality may choose method by which it will ascertain boundaries of its extraterritorial jurisdiction).

Your predecessor suggested that a municipality's boundaries must be marked by the placement of markers on the ground. We are unaware of any statute, nor did she cite any provision, that requires a municipality to place markers on the ground to mark its boundaries.

### S U M M A R Y

Section 41.001(a) of the Local Government Code requires a municipality to prepare a map indicating the boundaries of the municipality. If a municipality annexes territory, section 41.001(b) requires the municipality immediately to correct the map to include the annexed territory.

Yours very truly,



Kimberly K. Oltrogge  
Assistant Attorney General  
Opinion Committee

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<sup>1</sup>Incidentally, we note that section 212.004(a) of the Local Government Code requires "[t]he owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract" to have prepared a plot of the subdivision. *But see* Local Gov't Code §§ 212.0045 (providing that municipality may decide not to require platting for every division of land or, if municipality falls within Local Gov't Code ch. 212, subch. B may require filing of development plat in lieu of subdivision plat), .0046 (excepting from plat requirement certain property abutting aircraft runway). The owner must file and record, in accordance with section 12.002 of the Government Code, the subdivision plat with the county clerk of the county in which the tract is located. *Id.* § 212.004(d), (e).