

CITY OF BASTROP, TX
RESOLUTION NO. R-2024-29A

EXTRATERRITORIAL JURISDICTION RELEASE

**A RESOLUTION OF THE CITY OF BASTROP, TEXAS FOR
THE RELEASE OF LAND FROM THE CITY'S
EXTRATERRITORIAL JURISDICTION UPON REQUEST
AND PROVIDING FOR FINDINGS OF FACT, REPEALER,
SEVERABILITY, EFFECTIVE DATE, AND PROPER
NOTICE AND MEETING**

- WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop ("City") has general authority to adopt an ordinance, resolution, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS**, pursuant to Texas Senate Bill 2038 passed by the Texas State Legislature in the 88th Legislative Session, Texas Local Government Code Chapter 42 allows for the release of an area from the City's extraterritorial jurisdiction ("ETJ") by petition of landowners or by election; and
- WHEREAS**, pursuant to Texas Local Government Code Section 42.102, a resident of an area or the owners of the majority in value of an area in the City's ETJ may file a petition with the City Secretary for the area to be released from the ETJ; and
- WHEREAS**, pursuant to Texas Local Government Code Section 42.152, a resident of an area in the City's ETJ may request the City to hold an election to vote on the question of whether to release the area from the City's ETJ by filing a petition with the City Secretary; and
- WHEREAS**, the City Council has received a petition for the release of a certain tract of land comprised of +/-128.563 acres currently situated within the ETJ of the City ("Property"), which Property is more accurately described in Exhibit A, which is attached hereto and incorporated herein; and,
- WHEREAS**, having received verification from the City Secretary, the City Council finds the attached ETJ Release Petition for the Property ("Petition"), which is attached here as Exhibit A and incorporated herein, is valid and this Resolution is necessary and proper for the good government, peace, or order of the City to release the Property from the City's ETJ.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bastrop, Texas:

- Section 1. Findings of Fact:** The foregoing recitals are incorporated into this resolution ("Resolution") by reference as findings of fact as if expressly set forth word-for-word herein.
- Section 2. Release:** The Petition is hereby considered verified; therefore, the Property as described in the Petition is hereby released from the City's ETJ.
- Section 3. Filing:** The City Secretary is hereby directed to file a certified copy of this Resolution and an updated map of the City's ETJ boundary with the County Clerk of Bastrop County, Texas.
- Section 4. Repealer:** To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.
- Section 5. Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.
- Section 6. Effective Date:** This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.
- Section 7. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

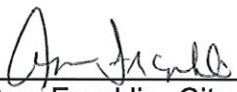
PASSED & APPROVED on First Reading by the City Council of the City of Bastrop,
on this, the 26th day of March 2024.

APPROVED:

by: 

Lyle Nelson, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit "A"

ETJ Release Petition

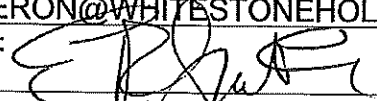
THE CITY OF
BASTROP

3-14-2024

TEXAS

Release from Extraterritorial Jurisdiction (ETJ) Petition

APPLICANT / OWNER

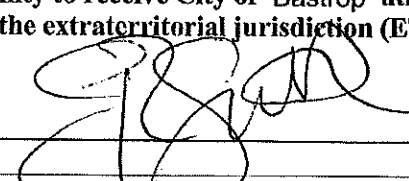
Applicant or Authorized Agent	Owner
Name: ERON SMITH / LOST PINES RV LLC	Name: SAME
Company: DATE OF BIRTH 11-06-1962	Company:
Address: 632 HEATHER LANE	Address:
FRIENDSWOOD TEXAS 77546	
Telephone: 281-389-0194	Telephone:
Email: ERON@WHITESTONEHOLDINGS.NET	Email:
Signature: 	Signature:

3-14-2024  Eron R. Smith

SITE INFORMATION




Number of properties within the area to be released:	2 ADJACENT TRACTS
General location or address of area to be released:	110 COTTON TOP, 2.503 ACRES
Total Acres to be released: 128.563 ACRES	201 PAVILLION DRIVE, 126.06 ACRES
County of Request BASTROP	

REQUIRED ITEMS FOR PETITION
(Applicant must initial next to each item)

<input type="checkbox"/>	Completed Application
<input type="checkbox"/>	Exact Property description in the form of: 1) Metes and Bounds, or 2) Identification of the property (Lot and Block) on a Recorded Plat
<input type="checkbox"/>	Signed "Release from ETJ Petition" (see next page) 50% of all owners within the area to be released must provide a NOTARIZED signature
<input type="checkbox"/>	If property is owned by an entity, estate, trust, etc. – provide proof of authority to sign on behalf of the entity, estate, trust, etc.
<input type="checkbox"/>	If current ownership differs from data available on the Appraisal District website provide deed(s) as proof of ownership
<input type="checkbox"/>	Owner of the property acknowledges that with the submittal of this petition, that they may no longer assume they will have the ability to receive City of Bastrop utility or emergency services for the property being removed for the extraterritorial jurisdiction (ETJ) of the City of Bastrop.
<input type="checkbox"/>	Owners signature required: 

CITY OF BASTROP RELEASE FROM ETJ PETITION

By signing this petition, I hereby request to be removed from the City of BASTROP Extraterritorial Jurisdiction (ETJ). I hereby affirm that I am the legal owner of the property identified below (attach additional pages as required).

Tax ID # and Physical Address	Property Owners Signature	Notary
		<p>State of <u>Texas</u> County of <u>Galveston</u></p> <p>The instrument was signed or acknowledged before me on <u>3-14-24</u></p> <p>By <u>Evan Smith</u></p> <p>Print name of signer(s)</p>  <p> Notary Signature</p>
		<p>State of _____ County of _____</p> <p>The instrument was signed or acknowledged before me on _____</p> <p>By _____</p> <p>Print name of signer(s)</p> <p>_____ Notary Signature</p>

