

CITY OF BASTROP, TX
RESOLUTION NO. R-2024-100

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, 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 from Colin and Maria Lineberry on June 11, 2024, for the release of a certain tract of land from the ETJ ("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, which is attached 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 Properties 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 included as **Exhibit A** 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 27th day of August 2024.

APPROVED:

by: 
Lyle Nelson, Mayor

ATTEST:


Irma Parker, Interim City Secretary

APPROVED AS TO FORM:

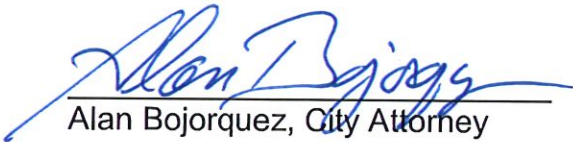

Alan Bojorquez, City Attorney



Exhibit "A"

Petition for ETJ Release & Property Description

[Faint, illegible text or signature]

RECEIVED
6/11/2024

June 5, 2024
Lineberry



Ms. Ann Franklin
Bastrop City Secretary
1311 Chestnut Street
Bastrop, Texas 78602
(via Hand Delivery)

Re: Petition for Release of Property from Bastrop City ETJ

Dear Secretary Franklin:

Attached is a Petition to the City of Bastrop for release of certain property my wife and I own from the City's extra-territorial jurisdiction. A map and supporting affidavit are attached to the Petition. The Petition is being filed pursuant to TEX. LOCAL GOV'T CODE § 42.102. Please notify me in accordance with TEX. LOCAL GOV'T CODE § 42.105 of the results of the Petition.

Thank you for your consideration and please let me know if you need any additional information from me.

Sincerely,

A handwritten signature in blue ink that reads "Colin K. Lineberry".

Colin K. Lineberry
512-653-0798
colineberry@yahoo.com

**Petition of Colin K. Lineberry and Maria A. Lineberry
for Release from the Extra-Territorial Jurisdiction
of the City of Bastrop, Texas**

1. Colin K. Lineberry and Maria A. Lineberry (the "Petitioners") file this Petition pursuant to TEX. LOCAL GOV'T CODE § 42.102 for release of approximately 2.03 acres consisting of Lots 20, 21, 22, 50, 51, and 52, Block 1, Unit 5, Tahitian Village Subdivision, Bastrop County, Texas (the "Property") from the extra-territorial jurisdiction of the City of Bastrop.
2. The Petitioners, Colin K. Lineberry and Maria A. Lineberry, who is also known as Alice Lineberry, together own and hold 100% of the title of the lots that comprise the Property. The Petitioners' 100% ownership interest is reflected on the tax rolls of the Bastrop County Central Appraisal District and in the Bastrop County Deed Records at Volume 1848, Page 709; Volume 1859, Pages 485-86; Volume 2200, Pages 832-33; and, Volume 2218, Pages 842-43.
3. The property is located at 290 Riverside Drive in the Tahitian Village Subdivision of Bastrop County. The six lots comprising the Property are contiguous and form a tract of approximately 2.03 acres. The Property is currently within the designated extra-territorial jurisdiction of the City of Bastrop but was not voluntarily annexed into the extra-territorial jurisdiction of the City of Bastrop.
4. In accordance with the provisions of TEX. LOCAL GOV'T CODE § 42.104(d), a map of the Property is attached to this Petition as Exhibit A. Exhibit A is a true and correct depiction of the Property and is an excerpt from the Plat of Tahitian Village Unit 5 duly recorded in the Bastrop County Real Property Records - Plat Cabinet No. 1, Image 102A.
5. None of the disqualifying circumstances set out in TEX. LOCAL GOV'T CODE § 42.101 are applicable to the Property. The Property is not located: (1) within five miles of the boundary of a military base, as defined by TEX. LOCAL GOV'T CODE § 43.0117, at which an active training program is conducted; (2) in an area that was voluntarily annexed into the extra-territorial jurisdiction that is located in a county: (A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and (B) that has a population greater than 240,000; (3) within the portion of the extra-territorial jurisdiction of a municipality with a population of more than 1.4 million that is: (A) within 15 miles of the boundary of a military base, as defined by TEX. LOCAL GOV'T CODE § 43.0117, at which an active training program is conducted; and (B) in a county with a population of more than two million; (4) in an area designated as an industrial district under TEX. LOCAL GOV'T CODE § 42.044; or (5) in an area subject to a strategic partnership agreement entered into under TEX. LOCAL GOV'T CODE § 43.0751.
6. The Petitioners own 100% of the Property and are, therefore, the owners of a majority of the Property as required by TEX. LOCAL GOV'T CODE § 42.102(b) and Petitioners, as holders of 100% of the title to the Property, have both signed the Petition in accordance with the requirements of TEX. LOCAL GOV'T CODE § 42.104.

7. The Petitioners hereby petition the City of Bastrop to release Lots 20, 21, 22, 50, 51, and 52, Block 1, Unit 5, Tahitian Village Subdivision, Bastrop County, Texas from the extra-territorial jurisdiction of the City of Bastrop.

Petitioners:

Colin K Lineberry Date Signed 6-4-24

Colin K. Lineberry

Date of Birth - [REDACTED]

Residence Address:

[REDACTED]

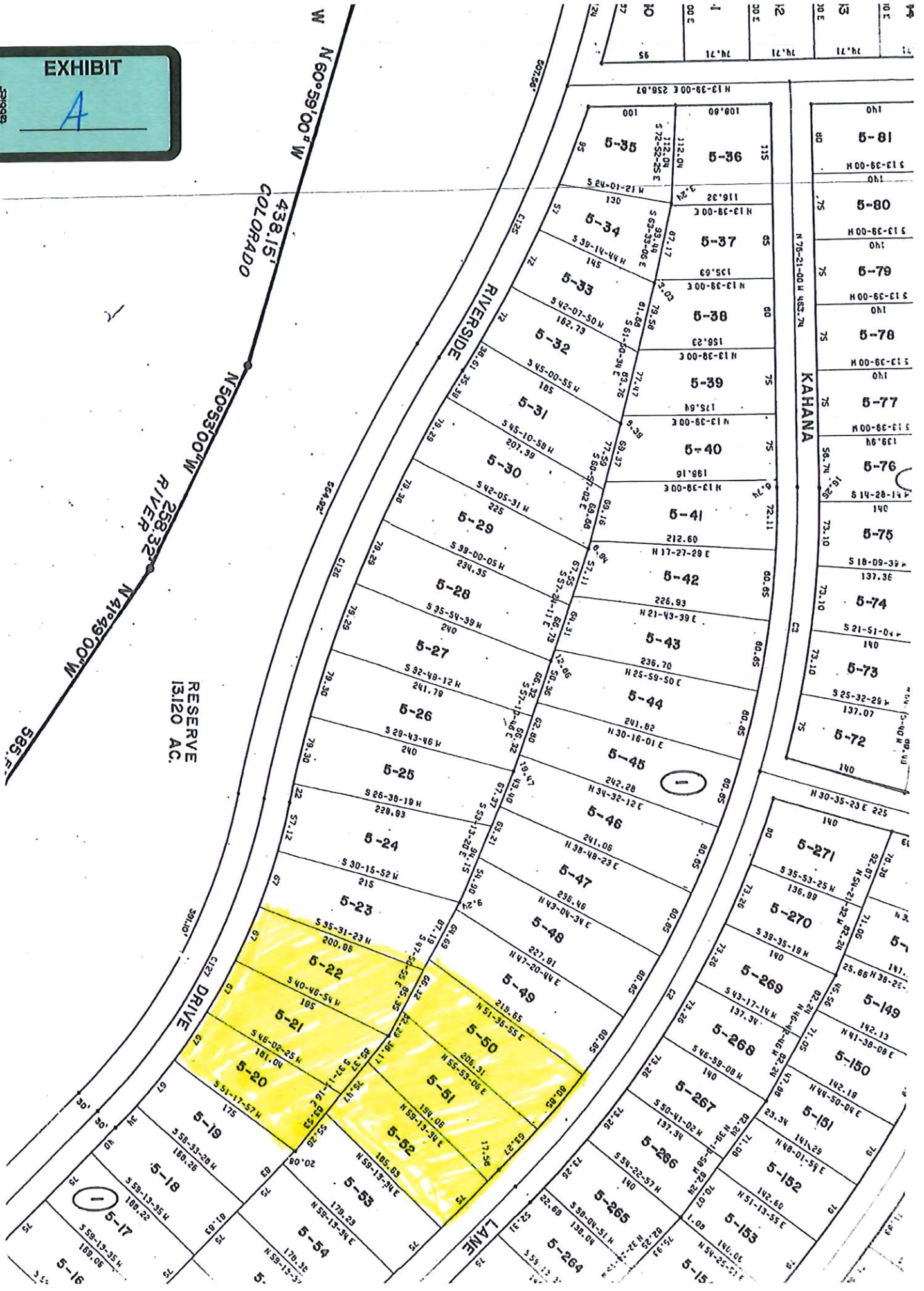
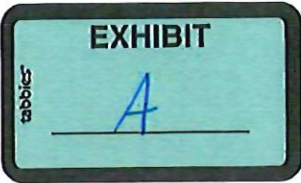
Maria A Lineberry Date Signed 6-4-24

Maria A. Lineberry

Date of Birth - [REDACTED]

Residence Address:

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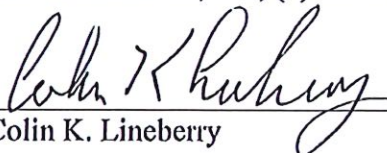
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Affidavit of Colin K Lineberry in Support of
Petition for Release from the Extra-Territorial Jurisdiction of the City of
Bastrop, Texas

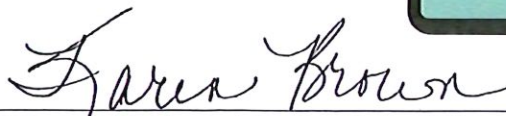
Before me, the undersigned authority, on this day personally appeared, Colin K. Lineberry, who under oath stated as follows:

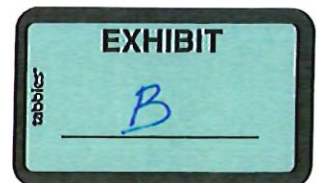
1. My name is Colin K. Lineberry, I am over eighteen (18) years of age and am legally competent to make this affidavit, which is true and correct, and is made voluntarily and not under duress.
2. Lots 20, 21, 22, 50, 51, and 52, Block 1, Unit 5, Tahitian Village Subdivision, Bastrop County, Texas (the "Property") are located within the designated extra-territorial jurisdiction area of Bastrop County. The six lots comprising the Property are contiguous and form a tract of approximately 2.03 acres. The Property was not voluntarily annexed into the extra-territorial jurisdiction of the City of Bastrop.
3. The map of the Property attached to the Petition as Exhibit A is a true and correct depiction of the Property and is an excerpt from the Plat of Tahitian Village Unit 5 duly recorded in the Bastrop County Real Property Records - Plat Cabinet No. 1, Image 102A.
4. Colin K. Lineberry and Maria A. Lineberry, who is also known as Alice Lineberry, (the "Petitioners") together own and hold 100% of the title of the lots that comprise the Property. The Petitioners' 100% ownership interest is reflected on the tax rolls of the Bastrop County Central Appraisal District.
5. The Property is not located: (1) within five miles of the boundary of a military base, as defined by TEX. LOCAL GOV'T CODE § 43.0117, at which an active training program is conducted; (2) in an area that was voluntarily annexed into the extra-territorial jurisdiction that is located in a county: (A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and (B) that has a population greater than 240,000; (3) within the portion of the extra-territorial jurisdiction of a municipality with a population of more than 1.4 million that is: (A) within 15 miles of the boundary of a military base, as defined by TEX. LOCAL GOV'T CODE § 43.0117, at which an active training program is conducted; and (B) in a county with a population of more than two million; (4) in an area designated as an industrial district under TEX. LOCAL GOV'T CODE § 42.044; or (5) in an area subject to a strategic partnership agreement entered into under TEX. LOCAL GOV'T CODE § 43.0751.
6. The Petition of Colin K. and Maria A. Lineberry for Release from the Extra-Territorial Jurisdiction of the City of Bastrop, Texas contains Petitioners valid and true: (1) signatures in writing; (2) printed names; (3) dates of birth; (4) Residence addresses; and, (5) dates of signature.


Colin K. Lineberry

Sworn and subscribed before me on this the 5 day of June, 2024.




Notary Public in and for the State of Texas



Attachment 1 Location Map

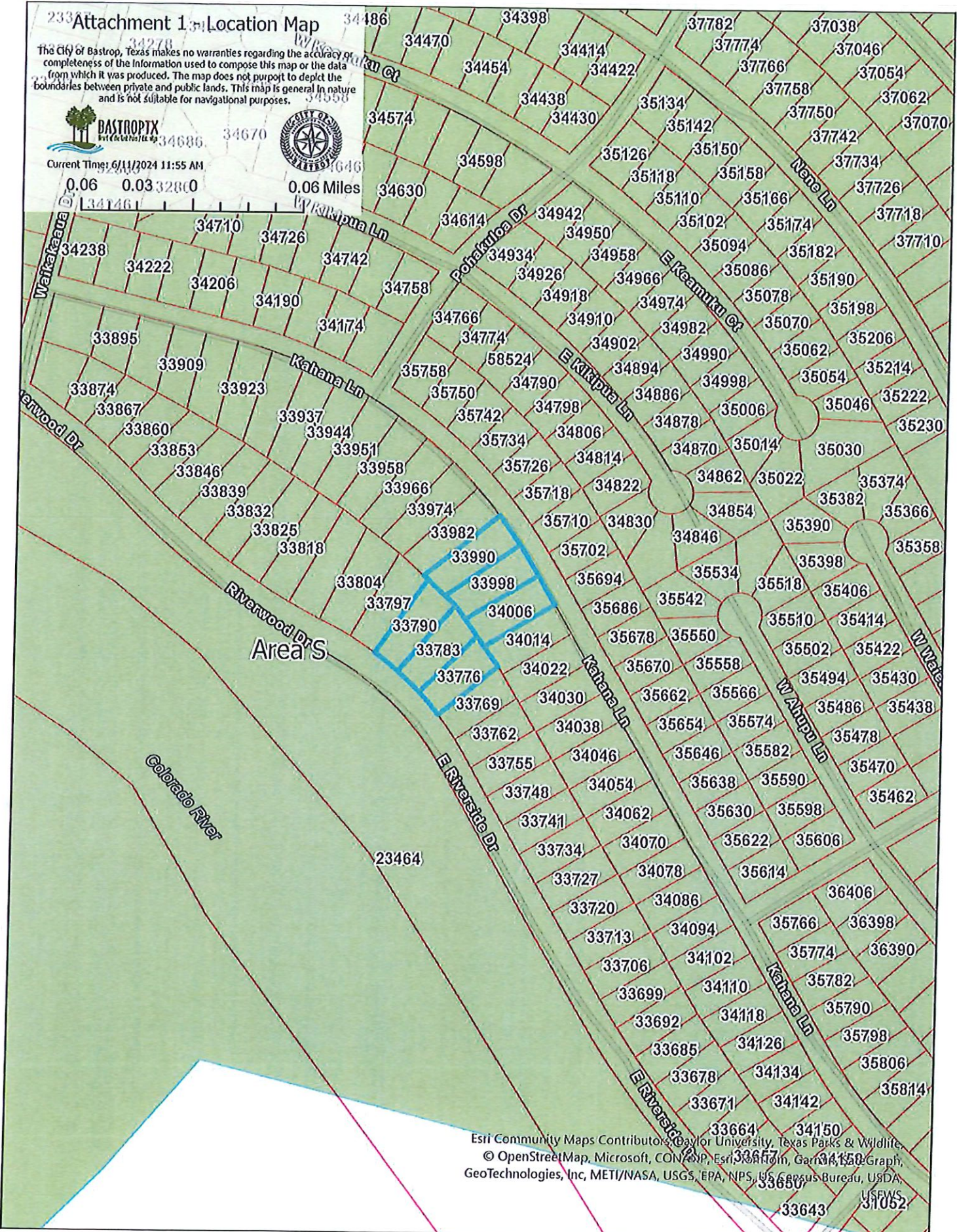
The City of Bastrop, Texas makes no warranties regarding the accuracy or completeness of the information used to compose this map or the data from which it was produced. The map does not purport to depict the boundaries between private and public lands. This map is general in nature and is not suitable for navigational purposes.



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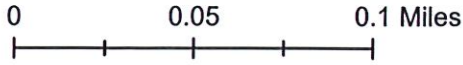


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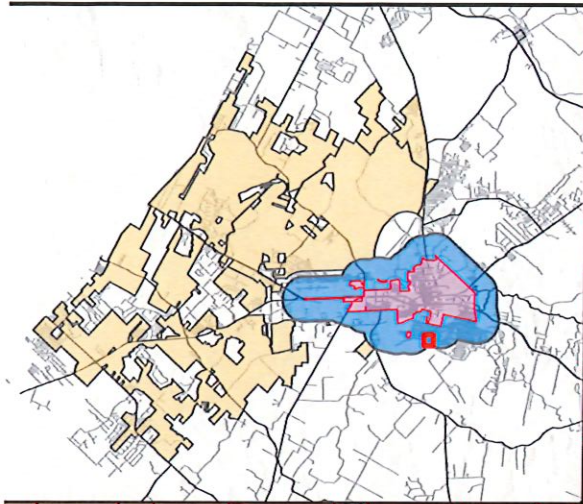
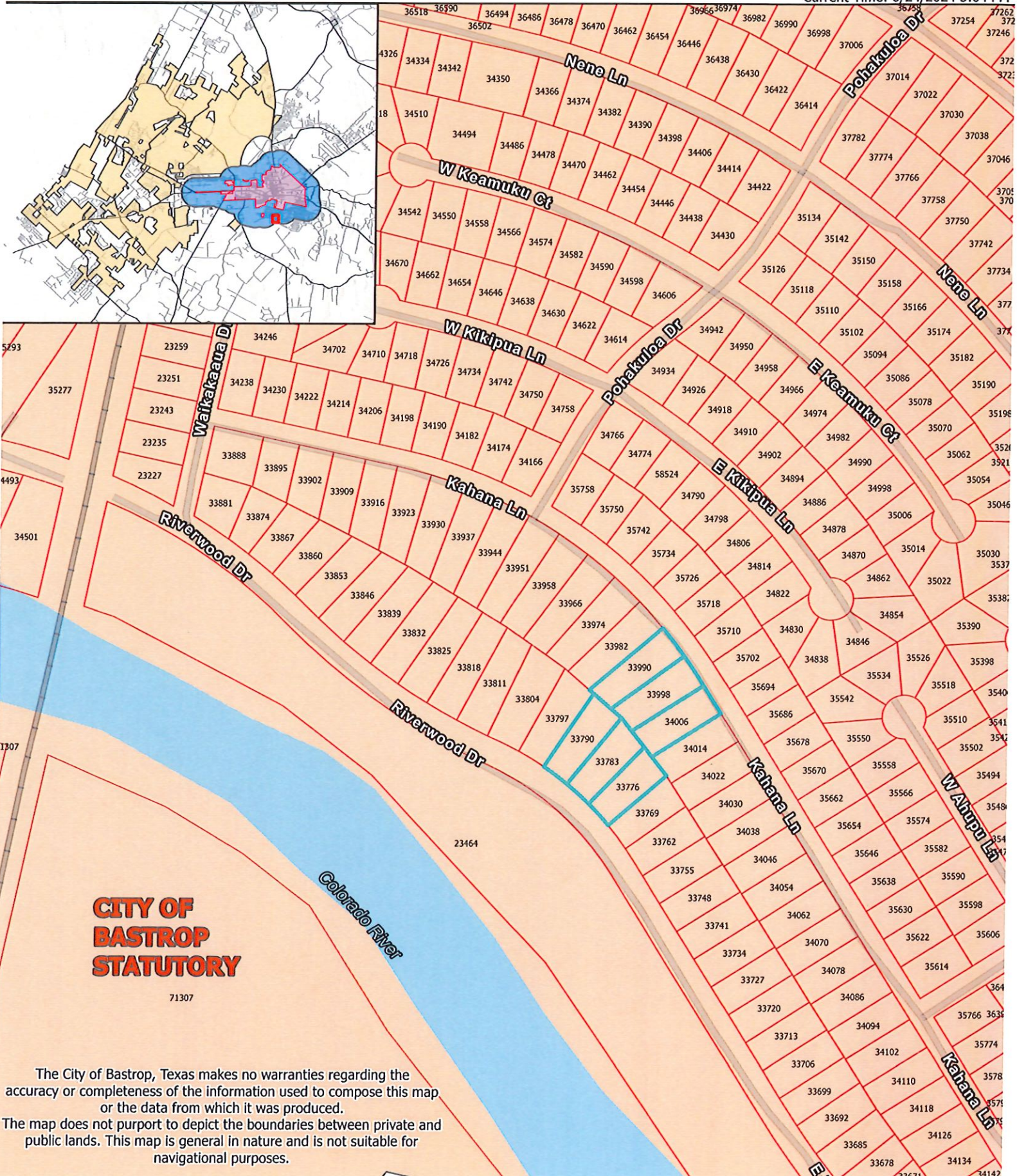


RELEASE OF PROPERTY FROM CITY OF BASTROP ETJ

Colin Lineberry



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CITY OF BASTROP STATUTORY

71307

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