

**CITY OF BASTROP, TX**  
**RESOLUTION NO. R-2024-114**

**DENIAL OF EXTRATERRITORIAL JURISDICTION RELEASE**

**A RESOLUTION OF THE CITY OF BASTROP, TEXAS,  
DENYING THE RELEASE OF LAND FROM THE CITY'S  
EXTRATERRITORIAL JURISDICTION 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 88<sup>th</sup> 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 received a petition from O. Allen Cassel on July 16, 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,** *The City of Grand Prairie v. The State of Texas*, D-1-GN-23-007785, has been filed in the 261<sup>st</sup> District Court of Travis County, Texas, and challenges Senate Bill 2038 as an unconstitutional delegation of legislative authority (among other legal defects) and seeks to render the bill void and unenforceable in its entirety; and

**WHEREAS,** the above-named property is within the City's statutory one-mile ETJ; and

**WHEREAS,** due to the nature of the lawsuit and the legitimate interests of our community, the City elects to reserve its rights to enforcement of regulations in the ETJ, until the conclusion of the pending litigation; and

**WHEREAS,** The City's ETJ has traditionally been regarded by the City as an important component of our comprehensive planning efforts, including land use, development, capital improvements (infrastructure), and the extension of utilities; and

**WHEREAS,** the City is inclined to proceed in a deliberate, cautious manner when considering whether to release an area pursuant to new legislation that is currently undergoing a legal challenge.

**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 Denied:** The Petition is hereby considered verified; however, the Property as described in the Petition included as **Exhibit A** is denied and shall not be released from the City's ETJ pending the outcome of the *City of Grand Prairie v. The State of Texas* litigation.

**Section 3. 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 4. 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 5. 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 6. 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 27<sup>th</sup> 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

July 12, 2024

JUL 16 2024

Alan J. Bojorquez  
Bojorquez Law Firm  
Bastrop City Attorney  
11675 Jollyville Road, Suite 300  
Austin, Texas 78759

Via: U.S. Postal Service Certified Mail Number 7019 2970 0001 5629 0219 Return Receipt

Re: Petition for Release from the Extraterritorial Jurisdiction of the City of Bastrop

Dear Mr. Bohorquez,

1. O. Allen Cassel (“Owner”) files this Petition pursuant to TEX. LOC. GOV’T CODE § 42.102.
2. O. Allen Cassel owns property within the extraterritorial jurisdiction of the City of Bastrop located at 1285 W SH 71, Bastrop, Texas 78602, PID 56645 (the “Property”). *See* Exhibit A (Deed and Property Map).
3. Owner hereby Petitions the City of Bastrop to release of Owner’s Property from its extraterritorial jurisdiction.
4. Pursuant to TEX. LOC. GOV’T CODE § 42.102, an owner or owners of majority in value of an area in a municipality’s extraterritorial jurisdiction may file a petition with the municipality to be released from the extraterritorial jurisdiction, if the owner’s property in question meets the applicability requirements of TEX. LOC. GOV’T CODE § 42.101 and the petition requirements of TEX. LOC. GOV’T CODE § 42.104.
5. Owner’s Property meets the applicability requirements of TEX. LOC. GOV’T CODE § 42.101.
6. As set forth in Exhibit B, Affidavit of Owner, and as set forth in TEX. LOC. GOV’T CODE § 42.101, the undersigned swears that the Property is not:
  - (1) within five miles of the boundary of a military base, as defined by TEX. LOC. GOV’T CODE § 43.0117, at which an active training program is conducted;
  - (2) in an area that was voluntarily annexed into the extraterritorial 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 extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

## Exhibit A

- (A) within 15 miles of the boundary of a military base, as defined by TEX. LOC. GOV'T CODE § 43.0117, at which an active training program is conducted, and
  - (B) in a county with a population of more than 2 million;
  - (4) in an area designated as an industrial district under TEX. LOC. GOV'T CODE § 42.044; or
  - (5) in an area subject to a strategic partnership agreement entered into under TEX. LOC. GOV'T CODE § 43.0751.
7. This Petition meets the requirements of TEX. LOC. GOV'T CODE § 42.104.
  8. As required by TEX. LOC. GOV'T CODE § 42.104(a)(2), Owner's value in the Property constitutes more than 50% of the value of the Property, as indicated by the tax rolls of the Bastrop Central Appraisal District.
  9. As required by TEX. LOC. GOV'T CODE § 42.104(a)(2), the signature page accompany this Petition includes the signatures of 100% of the Property's owners in value, which is more than 50%.
  10. As required by TEX. LOC. GOV'T CODE § 42.103, the signature is valid pursuant to TEX. ELEC. CODE § 277.002.
  11. This Petition contains, in addition to the signature:
    - (A) the signer's printed name;
    - (B) the signer's:
      - (i) date of birth; or
    - (C) the signer's residence address; and
    - (D) the date of signing.
  12. As required by TEX. LOC. GOV'T CODE § 42.104(b), Owner filing this Petition satisfied the signature requirement within 180 days after the date the first signature for the Petition was obtained.
  13. As required by TEX. LOC. GOV'T CODE § 42.104(c), the signature collected under this section is in writing.
  14. As required by TEX. LOC. GOV'T CODE § 42.104(d), this Petition includes the deed for the land to be released in Exhibit A, which describes the boundaries of the land to be released by: (1) metes and bounds; or (2) lot and block number, if there is a recorded map or plat. Exhibit A also includes a map of the land to be released.
  15. As required by TEX. LOC. GOV'T CODE § 42.105(a), the City must verify this Petition upon receipt; shall notify the residents and landowners of the area described by the petition of the results of the petition, or shall notify Owner, who filed this Petition under Section 42.102.

## Exhibit A

15. As required by TEX. LOC. GOV'T CODE § 42.105(a), the City must verify this Petition upon receipt; shall notify the residents and landowners of the area described by the petition of the results of the petition, or shall notify Owner, who filed this Petition under Section 42.102.
16. Pursuant to TEX. LOC. GOV'T CODE § 42.105(c), because Owner has obtained the number of signatures on the Petition required under Section 42.104 to release the area from the extraterritorial jurisdiction of the City of Bastrop, the City must immediately release the area—Owner's Property—from the City's extraterritorial jurisdiction.
17. Pursuant to TEX. LOC. GOV'T CODE § 42.105(d), if the City fails to take action to release Owner's Property from the City's ETJ by the later of the 45th day after the date the municipality receives the petition or the next meeting of the City's governing body that occurs after the 30th day after the date the City receives this petition, the area—Owner's Property—is released by operation of law.

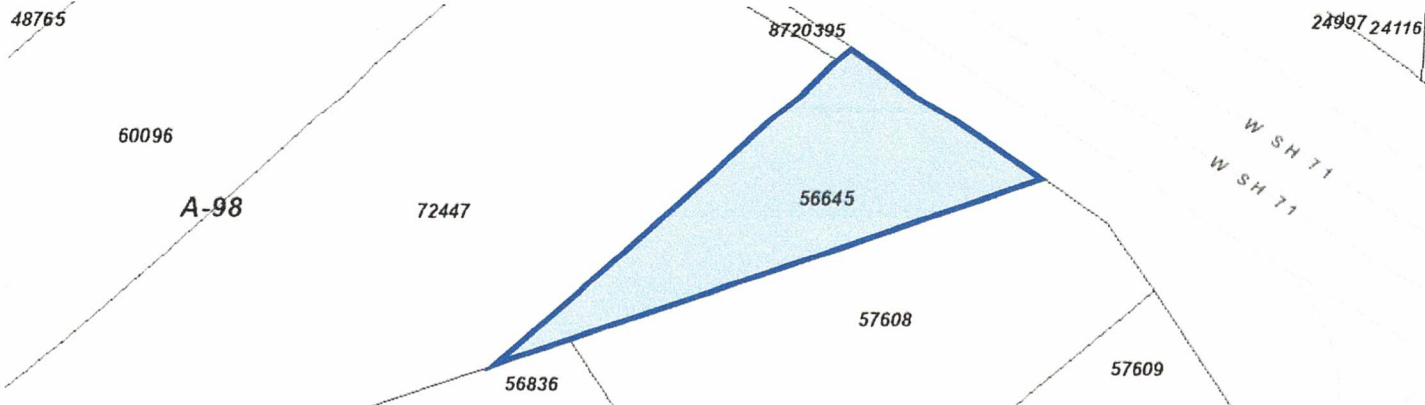
**Exhibit A**  
EXHIBIT A  
DEED AND PROPERTY MAP

(INSERT DEED AND CAD MAP HERE.)

# Exhibit A

## Property ID: 56645 For Year 2024

Map



### Property Details

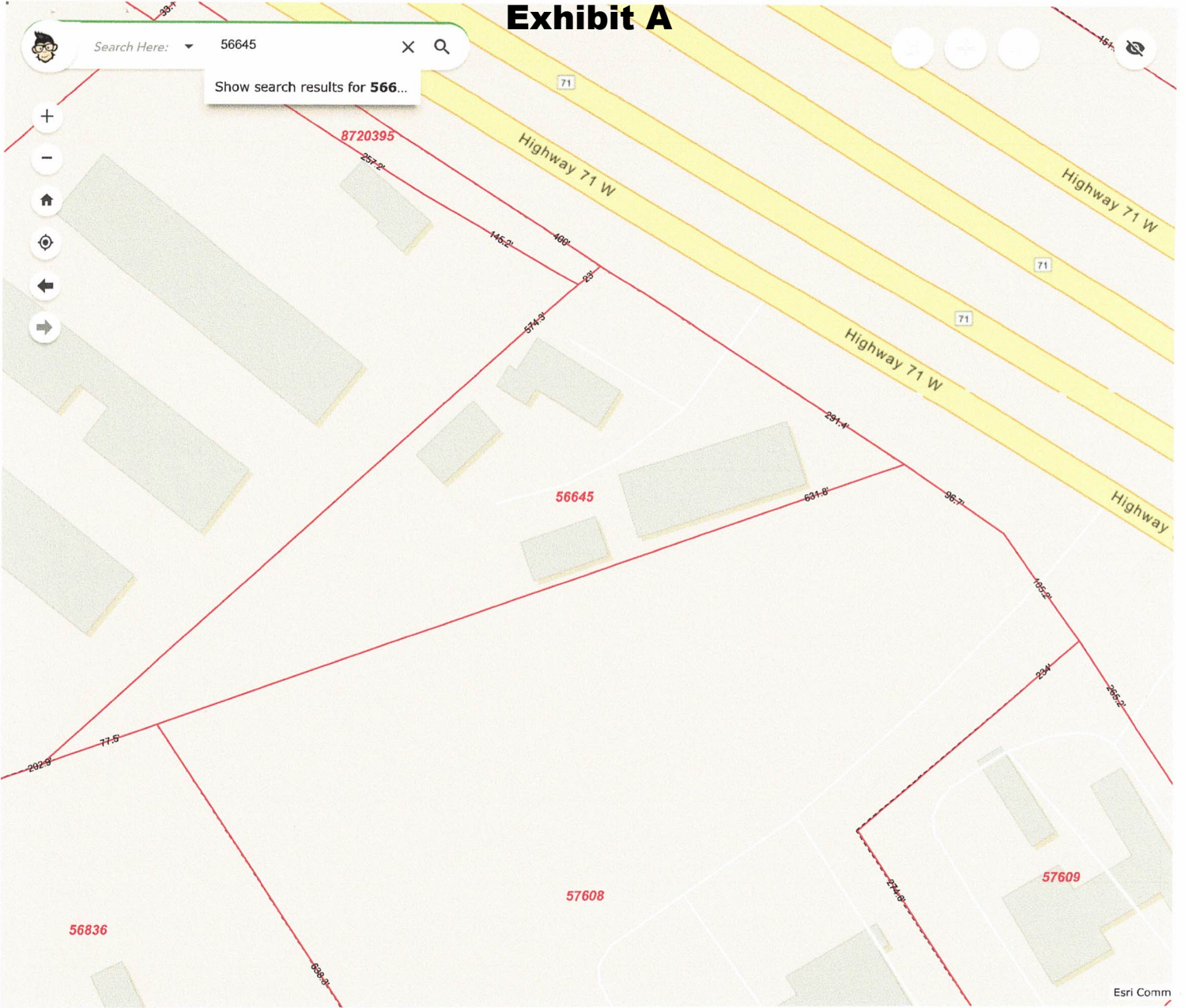
<b>Account</b>	
Property ID:	56645
Geographic ID:	R56645
Type:	Real
Zoning:	
<b>Property Use:</b>	
<b>Location</b>	
Situs Address:	1285 W SH 71 UNIT A BASTROP, TX 78602
Map ID:	Mapsco:
Legal Description:	A98 BLAKEY, NANCY, ACRES 2.000
Abstract/Subdivision:	A98 - Blakey, Nancy
Neighborhood:	NBHD0313
<b>Owner</b>	
Owner ID:	651674
Name:	CASSEL, O ALLEN
<b>Agent:</b>	
Mailing Address:	P O BOX 534 BASTROP, TX 78602
% Ownership:	100.00%
Exemptions:	For privacy reasons not all exemptions are shown online.

### Property Values

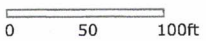
Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$318,022 (+)
Land Homesite Value:	\$0 (+)
Total Value:	\$318,022 (+)



# Exhibit A



30°06'46"N 97°25'03"W



# Exhibit A

VOL 400 PAGE 392

OFFICIAL RECORDS

## GENERAL WARRANTY DEED

12951

THE STATE OF TEXAS  
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

That I, RICHARD WELCH, not joined herein by my wife, for the reason that the hereinafter described property forms no part of any property owned, used, claimed or occupied by us as our homestead, but constitutes ordinary community property over which I have control, of Bastrop County, Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to me in hand paid by O. ALLEN CASSEL, of Bastrop County, Texas, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, no part of which consideration is secured by a lien, either expressed or implied, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said O. ALLEN CASSEL, subject to any reservations and restrictions contained herein, an undivided one-half (1/2) interest in and to the following described real property in Bastrop County, Texas, to-wit:

A tract or parcel of land being 2.000 acres of land located in Bastrop County, Texas, being a part of the NANCY BLAKEY SURVEY, Abstract No. 98, and being a part of that certain 18.568 acre tract of land from Wayne Meuth and Charley Kirk to Richard Welch, dated August 1, 1984, and recorded in Volume 339, Page 197 in the Deed Records of Bastrop County, Texas, said 2.000 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anyway belonging, unto the said grantee, his heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance is made and accepted subject to any and all conditions, restrictions, reservations, and leases, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk, Bastrop County, Texas.

EXECUTED this 6 day of December, 1985.

Richard Welch  
RICHARD WELCH

STATE OF TEXAS  
COUNTY OF BASTROP

This instrument was acknowledged before me on the 6 day of December, 1985, by RICHARD WELCH.

My commission expires:

11/05/88

**NOTARY SEAL**

Nancy Cude  
NOTARY PUBLIC - STATE OF TEXAS  
NANCY CUDE  
Print Name of Notary

The mailing address of the Grantee:

Box 534  
Bastrop, W. 78608

# Exhibit A

ABRAHAM SURVEYING  
908 B PECAN ST. BASTROP, TEXAS 78602  
PHONE: (512) 321-5823

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## TRACT B2

### FIELD NOTE DESCRIPTION FOR A 2.000 ACRE TRACT:

A tract or parcel of land being 2.000 acres of land located in Bastrop County, Texas, being a part of the Nancy Blakey, Abstract No. 98, and being a part of that certain 18.668 acre tract of land from Wayne Huth and Charley Kirk to Richard Welch, dated August 1, 1984 and recorded in Volume 339, Page 197 in the Deed Records of Bastrop County, Texas, and being more particularly described by metes and bounds as follows, to wit:

Beginning at an iron rod found in the Southwest line of State Highway No. 71 at the East corner of said 18.668 acre tract for the East corner and POINT OF BEGINNING of the herein described tract;

Thence leaving the Southwest line of said State Highway No. 71, South 72 degrees 38 minutes 26 seconds East, a distance of 748.71 feet to an iron rod set in the Southeast line of said 18.668 acre tract for the West corner of this tract;

Thence leaving the Southeast line of said 18.668 acre tract, North 50 degrees 26 minutes 33 seconds East, a distance of 615.97 feet to an iron rod set in the Northeast line of said 18.668 acre tract, the Southwest line of said State Highway No. 71 for the North corner of this tract;

Thence with the Southwest line of said State Highway No. 71, the Northeast line of said 18.668 acre tract, South 72 degrees 38 minutes 26 seconds West, a distance of 573.56 feet to the POINT OF BEGINNING containing 2.000 acres of land, more or less.

Surveyed July 31, 1985



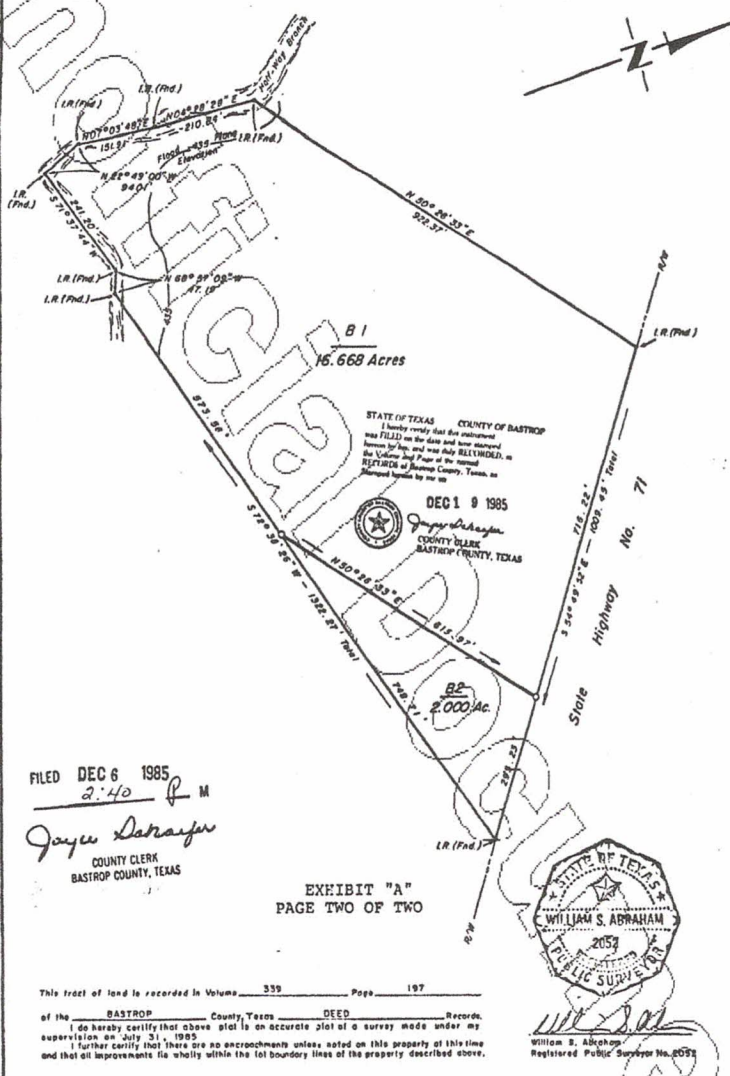
*William S. Abraham*  
William S. Abraham  
Registered Public Surveyor No. 2052

EXHIBIT "A"  
PAGE ONE OF TWO

# Exhibit A

## NANCY BLAKEY SURVEY A-98 BASTROP COUNTY, TEXAS

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SURVEY MAP SHOWING A 16.668 & A 2,000 ACRE TRACT		SCALE	1" = 200'
FOR:	RICK WELCH	DWG #	A-7-85-462
		REV.	PC 7/31/85
WILLIAM S. ABRAHAM, SURVEYOR — BASTROP, TEXAS			
RT. 2 BOX 91 C ZIP CODE: 78602		PHONE: (512) 321-5823	

# Exhibit A

Owner Name: (Name of Owner)

By: Oscar Allen Casse  
Printed Name

Its: Owner  
Title

O. Allen Casse  
Signature

04/18/1939  
Date of birth

1503 Water St.  
Residence address

12/12/2024  
Date of signing

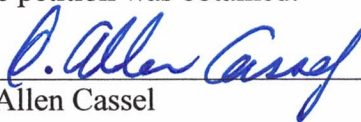
# Exhibit A

## EXHIBIT B

### AFFIDAVIT OF (NAME OF LANDOWNER) IN SUPPORT OF PETITION FOR RELEASE FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF (CITY NAME)

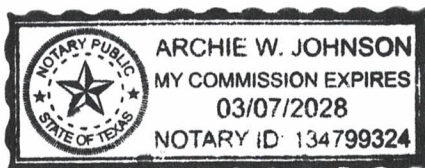
Before me, the undersigned authority, on this day personally appeared, O. Allen Cassel, who under oath stated as follows:


1. My name is O. Allen Cassel. 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. I am the property owner of the property located at the following address: 1285 W SH 71, Bastrop, Texas 78602, PID 56645. This property should not be in the extraterritorial jurisdiction of the City of Bastrop. If needed this document will remove my property from the extraterritorial jurisdiction of the City of Bastrop.
3. I swear that the Property is not: (1) within five miles of the boundary of a military base, as defined by Tex. Loc. Gov't Code § 43.0117, at which an active training program is conducted; (2) in an area that was voluntarily annexed into the extraterritorial 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 extraterritorial 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. Loc. Gov't Code § 43.0117, at which an active training program is conducted, and (b) in a county with a population of more than 2 million; (4) in an area designated as an industrial district under Tex. Loc. Gov't Code § 42.044; or (5) in an area subject to a strategic partnership agreement entered into under Tex. Loc. Gov't Code § 43.0751.
4. I swear that the petition contains my valid and true (1) signature, (2) printed name, (3) date of birth; voter registration number; county of voter registration, (4) residence address, and (5) date of which I signed such petition.
5. I swear that I satisfied the signature requirement of Tex. Loc. Gov't Code § 42.104(b) within 180 days following the date the first signature for the petition was obtained.



O. Allen Cassel

Sworn and subscribed to before me on this the 12<sup>th</sup> day of July, 2024.



  
Notary Public in and for the State of Texas

**Exhibit A**

**Johnson Outdoor Advertising, LP  
2012 Walsh Drive  
Round Rock, Texas 78681**

**CERTIFIED MAIL**



7019 2970 0001 5629 0219

**Retail**



78759

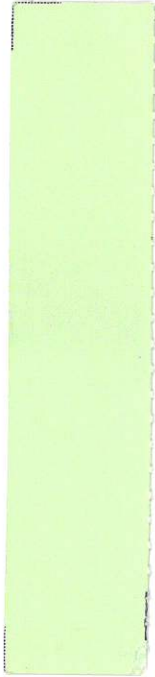
**\$10.99**

**RDC 99**

S2323Y501213-77

U.S. POSTAGE PAID  
FCM LG ENV  
CEDAR PARK, TX 78613  
JUL 15, 2024

**JUL 16 2024**



**Alan Bohorquez  
Bastrop City Attorney  
11675 Jollyville Road, Suite 300  
Austin, Texas 78759**