

CITY OF BASTROP, TX
RESOLUTION NO. R-2024-102

EXTRATERRITORIAL JURISDICTION RELEASE

A RESOLUTION OF THE CITY OF BASTROP, TEXAS FOR THE DISANNEXATION OF LAND FROM THE CITY'S EXTRATERRITORIAL JURISDICTION, FOR A 54.535 ACRE TRACT OF LAND OUT OF THE REUBEN GAGE SURVEY, ABSTRACT NO. 31, AND THE L.C. CUNNINGHAM SURVEY, ABSTRACT NO. 24, BOTH OF THE BASTROP COUNTY, TEXAS, 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 petitions for multiple properties to be released from the ETJ, a list of which is included in **Exhibit A**; and

WHEREAS, the City Council received a petition from CTX SPE 3, LP on June 13, 2024, for the release of a certain tract of land ("Property"), which Property is more accurately described in **Attachment 1**, which is attached hereto and incorporated herein; and

WHEREAS, having received verification from the City Clerk, the City Council finds the attached ETJ Release Petitions for the Property ("Petitions"), which are

attached as **Attachment 1** and incorporated herein, are 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 Petitions are hereby considered verified; therefore, the Properties as described in the Petitions included as **Attachment 1** are 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 13th 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"

List of Property Owners and Legal Description of Properties to Be Released

Property Owner(s)	Legal Description of Property	Attachment
CTX SPE 3, LP	A 54.535-acre tract of land out of the Reuben Gage Survey, Abstract No. 31 and the L.C. Cunningham Survey, Abstract No. 24 both of Bastrop County Texas; being a portion of the remainder of a called 810.512-acre tract of land as conveyed to CTX SPE 3 LP by General Warranty Deed as recorded in document number 202114026 and corrected by General Warranty Deed recorded in document number 202115827, both of the Official Public Records of Bastrop County, Texas, and being a portion of the remainder of a called 231.318 acre tract of land described as Tract 2 as conveyed to CTX SPE 3, LP by Special Warranty Deed in document number 202114039 of the Official Public Records of Bastrop County, Texas, and being a portion of Lot 2, Lot 4, and Lot 5 of Mark Young Ranch, a subdivision as referenced in Volume 52, Page 351 of the Deed Records of Bastrop County, Texas.	Attachment 1