



STAFF REPORT

MEETING DATE: November 12, 2024

TITLE: POSTPONED 9/10/2024: Take no action on Resolution No. R-2024-114, of the City of Bastrop, Texas, denying the disannexation of land from the city's 1-mile extraterritorial jurisdiction, for 2.00 acres of property known as Nancy Blakey Abstract No. A98, located at 1285 West State Highway 71, Unit A, Bastrop, Texas in Bastrop County, Texas; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.

AGENDA ITEM SUBMITTED BY:

Vivianna Nicole Andres, Assistant to the City Manager

BACKGROUND/HISTORY:

The City Secretary received a petition for the release of a tract of land comprised of tract or parcel of land currently situated within the 1-mile ETJ of the City of Bastrop.

This item was originally heard at the August 27th, 2024, City Council meeting and was tabled after deliberation at the dais. The item was then re-presented at the September 10th, 2024, City Council meeting, where a motion was made to postpone the item to the next available City Council meeting date that would occur after the request for a sign variance was heard at the Zoning Board of Adjustment Meeting.

Since that time, Staff has made changes to the ETJ Petition for Release process that recommends the Council no longer take formal action at the dais regarding the approval or denial of an ETJ Petition for Release until after the Supreme Court case is heard by the Supreme Court of Texas has concluded.

POLICY EXPLANATION:

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.

Pursuant to Texas Local Government Code Section 42.105(d), if a municipality fails to take action to release the area under Subsection (c) by the later of the 45th day after the date the municipality receives the petition or the next meeting of the municipality's governing body that occurs after the 30th day after the date the municipality receives the petition, the area is released by operation of law.

RECOMMENDATION:

Take no action on the proposed resolution at this time and allow the parcel to be released by operation of law per Section 42.105(d) of the Texas Local Government Code.

ATTACHMENTS:

- Resolution No. R-2024-114
- Location Map
- Petition