

**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:**

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Alan Bojorquez, City Attorney