

CITY OF BASTROP, TX
RESOLUTION NO. R-2024-113

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 Maria Marin on July 18, 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

Exhibit A

July 5, 2024

JUL 18 2024

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

Via email: U.S. Postal Service Certified Mail 7019 0140 0000 2521 7906 – Return Receipt

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

Dear Mr. Bohorquez,

1. Maria Marin, Cedar Creek Patio, LLC (“Owner”) files this Petition pursuant to TEX. LOC. GOV’T CODE § 42.102.
2. Maria Marin, Cedar Creek Patio, LLC owns property within the extraterritorial jurisdiction of the City of Bastrop located at 5599 FM 535, Cedar Creek, Texas 78612, PID 25109 (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 accompanying 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.

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

ELECTRONICALLY RECORDED

OFFICIAL PUBLIC RECORDS



Rose Pietsch

ROSE PIETSCH, County Clerk

Bastrop Texas

June 24, 2021 04:45:27 PM

FEE: \$38.00

DEED

202113187

Special Warranty Deed

NOTICE OF CONFIDENTIALITY RIGHTS

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: June 14th, 2021

Grantor: Maria Marin

Grantor's Mailing Address: 164 Kemah Dr, Kyle TX 78640

Grantee: CEDAR CREEK PATIO LLC, a Texas limited liability company

Grantee's Mailing Address: 164 Kemah Drive, Kyle, Texas 78640

Consideration: Cash and other good and valuable consideration.

Property (including any improvements):

Being 0.995 acres of land, more or less, situated in the Addison Litton Survey, Abstract No. 46, Bastrop County, Texas and being that contain 0.995 acre tract described in Warranty Deed With Vendor's Lien recorded in Document No. 201909901, Official Public Records, Bastrop County, Texas, said 0.995 acres being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from

Exhibit A

and existing by reason of any water, utility, road, or improvement districts which affect the Property; standby fees, taxes, and assessments by any taxing authority for the current year; which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee also assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by or through Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

NOTICE: This instrument was prepared by Hancock McGill & Beau, LLP (HMB) at the request of Blueprint Title or the parties using information provided by the title company and the parties. Unless we have been provided with a copy of any contracts related to this transaction or been informed of any reservations required by the seller, the reservations will not be included in this warranty deed and by accepting this deed, all parties release HMB from any liability resulting from the failure to include undisclosed reservations. We have not investigated or verified information provided to us and do not warrant the validity of the information or quality of title to the real estate described above. We do not represent the parties named in this instrument. The parties should seek independent legal counsel for advice concerning the effect and consequences of this instrument.

Maria Marin
Maria Marin

State of Texas
County of Hays

This document was acknowledged before me on June 10th 2021 by Maria Marin.

Mary Morrison Rivers
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

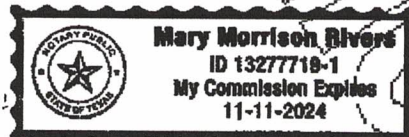


Exhibit A

EXHIBIT "A" Property Description

Closing Date: June 9, 2021

Borrower(s): CEDAR CREEK PATIO LLC

Property Address: 5599 Farm to Market Road 535, Cedar Creek, TX 78612

PROPERTY DESCRIPTION:

Being 0.995 acres of land, more or less, situated in the Addison Litton Survey, Abstract No. 45, Bastrop County, Texas and being that certain 0.995 acre tract described in Warranty Deed With Vendor's Lien recorded in Document No. 201909901, Official Public Records, Bastrop County, Texas, said 0.995 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found (monument of record dignity) for the east corner of this 0.995 acres, same being on the West line of the Farm To Market Road 535, same being the north corner of the Jesus Patino called 2.749 acre (Volume 2271, Page 389), same also being the POINT OF BEGINNING;

THENCE along the line common to this 0.995 acres and the Patino 2.749 acres, South 55 degrees 51 minutes 04 seconds West (called South 58 degrees 28 minutes 17 seconds West), a distance of 188.45 feet (called 188.45 feet) to a point for the south corner of this 0.995 acres, same being an internal corner of the Patino 2.749 acres;

THENCE along the line common to this 0.995 acres and said Patino 2.749 acres, North 40 degrees 20 minutes 28 seconds West (called North 37 degrees 38 minutes 31 seconds West), a distance of 195.45 feet (called 195.45) to a 5/8 inch iron rod found for the west corner of this 0.995 acres, same being the North corner of said Patino 2.749 acres, and also being in the south line of the Jesus Patino called 4.257 acre (Volume 2271, Page 389);

THENCE along the line common to this 0.995 acres and said Patino 4.257 acres, North 45 degrees 58 minutes 22 seconds East (called North 45 degrees 31 minutes 39 seconds East), a distance of 182.75 feet (called 182.75) to a point for the north corner of this 0.995 acres, same being the East corner of said Patino 4.257 acres, and also being in the west Right of Way line of said FM 535;

THENCE along the line common to this 0.995 acres and the West Right of Way line of said FM 535, the following courses and distances:

South 55 degrees 33 minutes 21 seconds East (called South 52 degrees 46 minutes 58 seconds East), a distance of 154.70 feet (called 154.70 feet) to a concrete monument found for an exterior corner of this 0.995 acre;

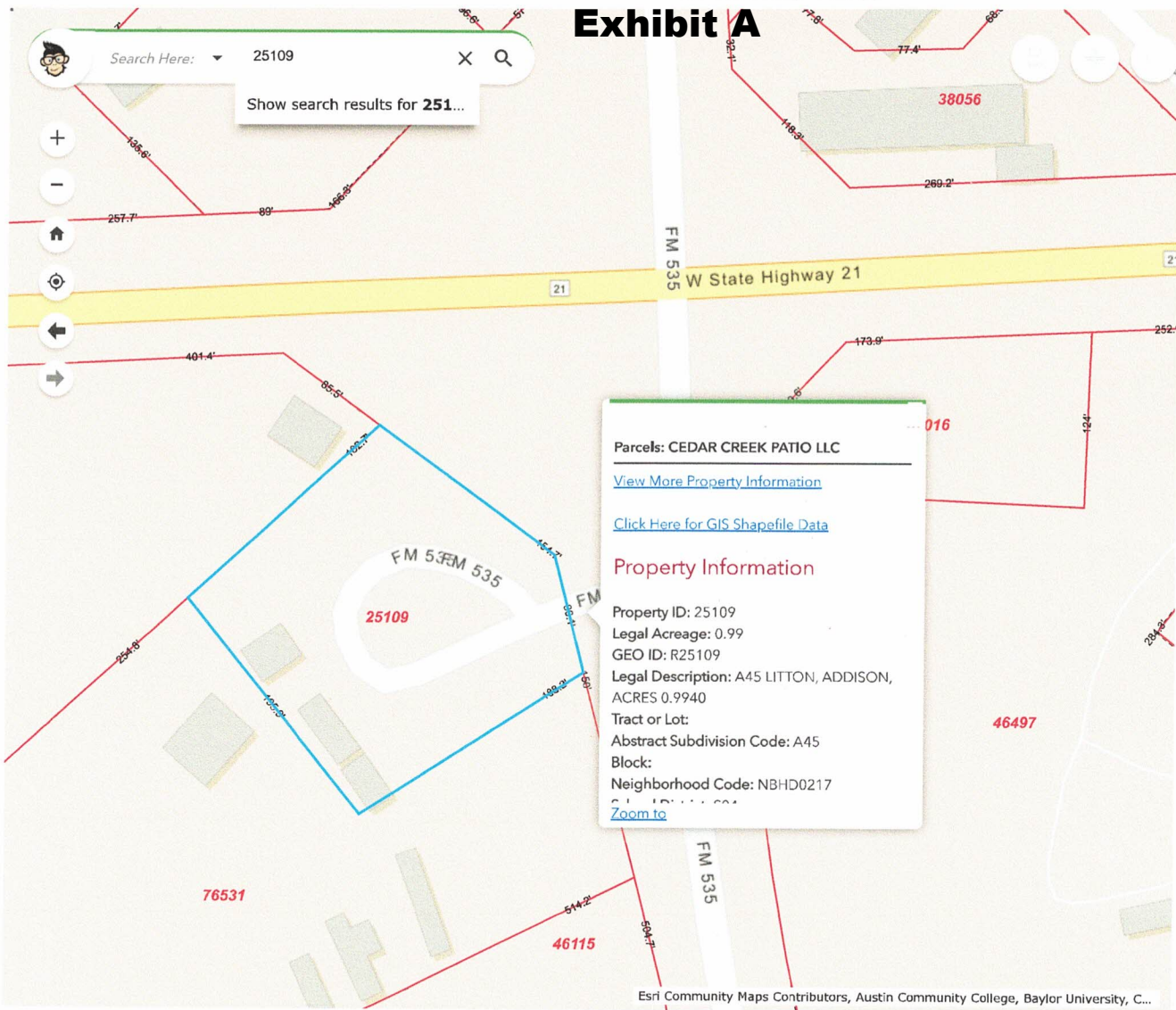
South 15 degrees 51 minutes 56 seconds East (called South 13 degrees 21 minutes 58

Exhibit A

seconds East), a distance of 85.97 feet (called 86.06 feet) to the POINT OF BEGINNING, and containing 0.995 acres of land, more or less.

Unofficial's Document

Exhibit A



30°05'11"N 97°30'01"W

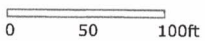


Exhibit A



Exhibit A

Property Details

Account		
Property ID:	25109	Geographic ID: R25109
Type:	Real	Zoning:
Property Use:		
Location		
Situs Address:	5599 FM 535 CEDAR CREEK, TX 78612	
Map ID:	00	Mapsco:
Legal Description:	A45 LITTON, ADDISON, ACRES 0.9940	
Abstract/Subdivision:	A45 - Litton, Addison	
Neighborhood:	NBHD0217	
Owner		
Owner ID:	802223	
Name:	CEDAR CREEK PATIO LLC	
Agent:		
Mailing Address:	164 KEMAH DR KYLE, TX 78640	
% Ownership:	100.00%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$2,511 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$136,128 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$138,639 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$138,639 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$138,639
Ag Use Value:	\$0

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Sorting the results of a search: To sort the results of your search, click on the column heading. For example, by clicking on the Owner Name column heading, the results will be alphabetized from A to Z.

Clicking on the heading again will reverse the sort to Z thru A.

Clicking on the Address column heading will sort the results from 1 to 999999.

Clicking on the heading again will reverse the sort from 999999 to 1.

Exhibit A

Property Taxing Jurisdiction

Owner: CEDAR CREEK PATIO LLC %Ownership: 100.00%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$138,639	\$138,639	\$0.00
ESD1	BASTROP COUNTY EMERGENCY SVC DIST #1	0.073990	\$138,639	\$138,639	\$102.58
G01	BASTROP COUNTY	0.321490	\$138,639	\$138,639	\$445.71
RD1	COUNTY ROAD	0.072040	\$138,639	\$138,639	\$99.88
S04	BASTROP ISD	1.070200	\$138,639	\$138,639	\$1,483.71

Total Tax Rate: 1.537720**Estimated Taxes With Exemptions:** \$2,131.88**Estimated Taxes Without Exemptions:** \$2,131.88

Exhibit A

Owner Name: (Name of Owner)

By: MARIA MARIN
Printed Name

Its: OWNER
Title

Maria Marin
Signature

07.10.1982
Date of birth

164 Kemah Dr Kyle Tx
Residence address

78640

07.15.2024
Date of signing

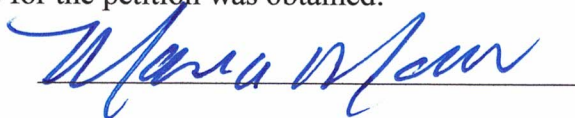
Exhibit A

EXHIBIT B

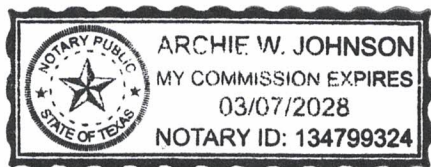
AFFIDAVIT OF MARIA MARVIN, CEDAR CREEK PATIO, LLC IN SUPPORT OF PETITION FOR RELEASE FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BASTROP

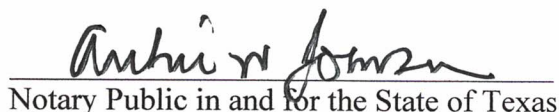
Before me, the undersigned authority, on this day personally appeared, (Name of Landowner), who under oath stated as follows:

1. My name is Maria Marin. 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. As the Majority Partner of Cedar Creek Patio, LLC of I am authorized to submit this Petition on its behalf.
3. Maria Marin, Cedar Creek Patio, LLC is a property owner in the extraterritorial jurisdiction of the City of Bastrop. Its property is located at the following address: 5599 FM 535, Cedar Creek, Texas 78612, PID 25109 (the "Property").
4. There are multiple owners of the Property: Cedar Creek Patio, LLC owns 100% of the interest in the Property.
5. 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.
6. 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.
7. 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.



Sworn and subscribed to before me on this the 15th day of July, 2024.




Notary Public in and for the State of Texas

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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



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JUL 16, 2024

\$11.26

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Retail



78759

RDC 99

JUL 18 2024

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