

ETJ Release Petition-1133 CR 529

Location:

- 26.82 acres of land located at 1133 CR 529

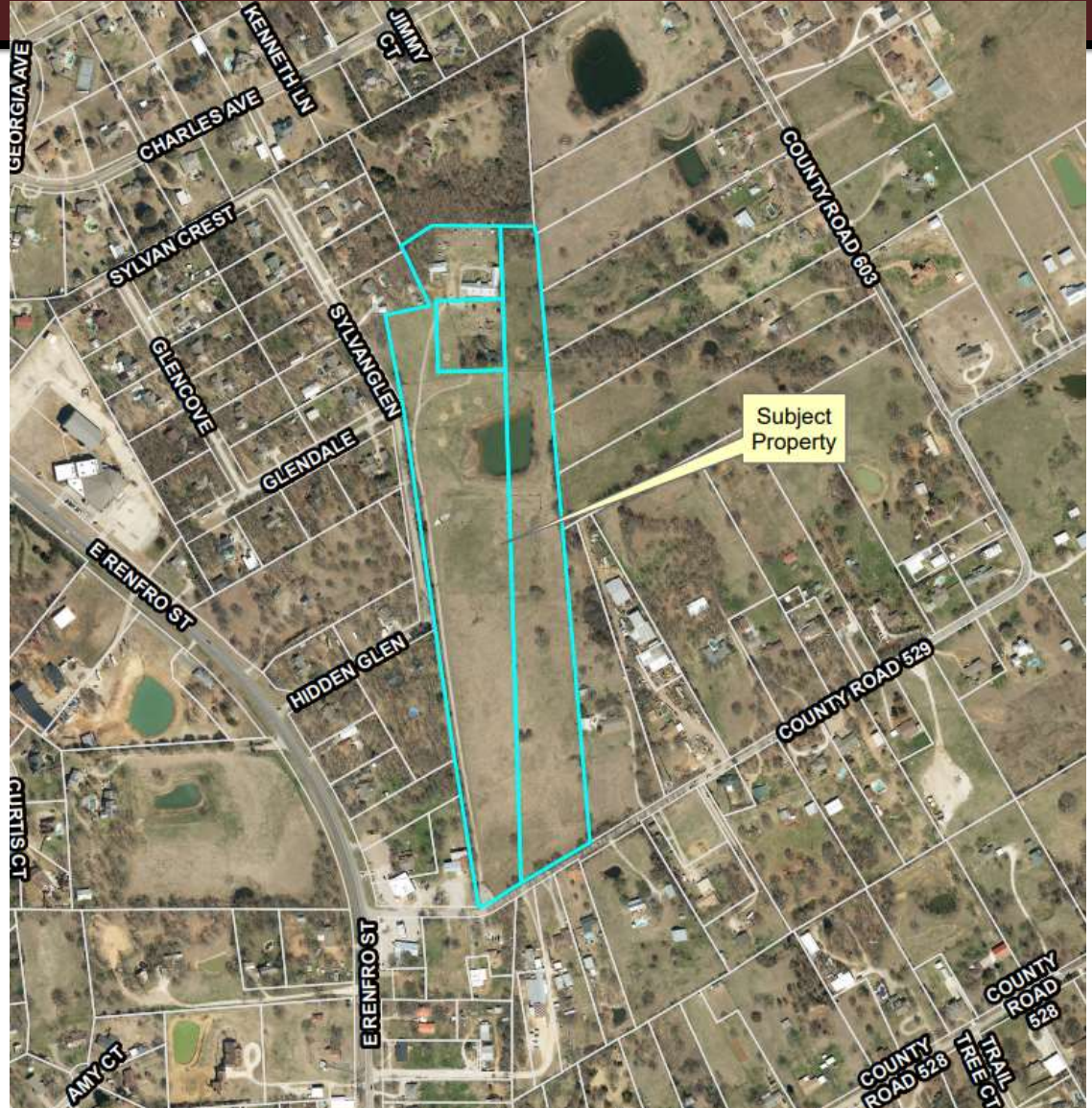
Applicant:

Mark Hickman

Sue Pugh (owner)

Item for approval:

Resolution for ETJ Release



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- H.B. 5217 took effect on Sept. 1, 2023 and pursuant to Subchapter D, Chapter 42 of the Texas Local Government Code a resident of an area in a municipality's ETJ may file a petition for release from the ETJ.

- PETITION REQUIREMENTS.
 - (a) A petition requesting release under this subchapter must be signed by:
 - (1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or
 - (2) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district.
 - (b) A person filing a petition under this subchapter must satisfy the signature requirement described by Subsection (a) not later than the 180th day after the date the first signature for the petition is obtained.
 - (c) A signature collected under this section must be in writing.
 - (d) The petition must include a map of the land to be released and describe 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

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RESULTS OF PETITION.

- (a) A petition requesting removal under this subchapter shall be verified by the municipal secretary or other person responsible for verifying signatures.
- (b) The municipality shall notify the residents and landowners of the area described by the petition of the results of the petition. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.102.
- (c) If a resident or landowner obtains the number of signatures on the petition required under Section 42.104 to release the area from the municipality's extraterritorial jurisdiction, **the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.**
- (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.**
- (e) Notwithstanding any other law, an area released from a municipality's extraterritorial jurisdiction under this section may not be included in the extraterritorial jurisdiction or the corporate boundaries of a municipality, unless the owner or owners of the area subsequently request that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries.

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Staff's Recommendation

- Approve the resolution for release from the ETJ for 26.82 acres located at 1133 CR 529

