CITY OF PORT LAVACA

PB MEETING: June 07, 2021   **AGENDA ITEM** _____

DATE: 06.01.2021

TO: PLANNING COMMISSION

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider and discuss approval of a preliminary plat located within the Port Lavaca Extra Territorial Jurisdiction (ETJ) for the Louis Neill Subdivision. Being a 4.162-acre tract of land situated in the Pascual Guajardo Survey, Abstract No. 20, Calhoun County, Texas. The proposed ETJ preliminary plat is subdividing 4.162-acres from the 53.64-acre remainder parcel. Reference PIN 26905 attachment to identify the ETJ segregation.

Plats within the ETJ of Port Lavaca are processed in accordance with Chapter 42 – Subdivisions and Plats. Below references the City Code of Ordnances, Chapter 42 – Subdivisions and Plats, where this Preliminary Plat request is compliant and will meet the ordinance as presented.

Chapter 42 - SUBDIVISIONS AND PLATS

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH42SUPL_ARTIINGE_S42-5PO

Sec. 42-5. - Policy.

(a) It shall be unlawful for any owner or agent of any owner of land to lay out, subdivide, plat or replat any land into lots, blocks, and streets within the jurisdictional area of this chapter without the proper approval of the planning commission. It shall be unlawful for any such owner or agent to offer for sale or sell property for building lots, building tracts or urban use therein, which has not been laid out, subdivided, platted, or replatted with the approval of the planning commission in accordance with this chapter.

The applicant is compliance with the ETJ platting process prior to development.

Chapter 42 - SUBDIVISIONS AND PLATS[1]

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH42SUPL

Footnotes:

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State Law reference— Extraterritorial jurisdiction of municipalities, V.T.C.A., Local Government Code ch. 42; municipal regulation of subdivisions, V.T.C.A., Local Government Code ch. 212; extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code

ch. 242; recording of plats, V.T.C.A., Property Code § 12.002; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code § 212.003.

Plats within the ETJ of Port Lavaca are processed in accordance with Chapter 42 – Subdivisions and Plats. The Local Government Code provide for reference as noted in the city code.

Texas Local Government Code

https://statutes.capitol.texas.gov/Docs/LG/htm/LG.212.htm

Sec. 212.0025. CHAPTER-WIDE PROVISION RELATING TO REGULATION OF PLATS AND SUBDIVISIONS IN EXTRATERRITORIAL JURISDICTION.

The authority of a municipality under this chapter relating to the regulation of plats or subdivisions in the municipality's extraterritorial jurisdiction is subject to any applicable limitation prescribed by an agreement under Section 242.001.

Sec. 212.003. EXTENSION OF RULES TO EXTRATERRITORIAL JURISDICTION.

(a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health.

Staff Recommendation: Approval

Staff recommends approval of the preliminary plat located within the Port Lavaca Extra Territorial Jurisdiction (ETJ) for the Louis Neill Subdivision. Being a 4.162-acre tract of land situated in the Pascual Guajardo Survey, Abstract No. 20, Calhoun County, Texas. The proposed ETJ preliminary plat is subdividing 4.162-acres from the 53.64-acre remainder parcel. Reference PIN 26905 attachment to identify the ETJ segregation.

Attachments:

- Louis Neill Subdivision
- Louis Neill Subdivision metes and bounds
- PIN 26905