



TOWN ATTORNEY

To: Mayor and Town Council

From: Terrence S. Welch, Town Attorney

Through: Mario Canizares, Town Manager

Re: Ordinance Releasing Property from the Town's ETJ

Town Council Meeting – January 23, 2024

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Consider and act upon an ordinance releasing 19.358 Acres, more or less, generally located west of FM 1385 in Denton County, from the Town's Extraterritorial Jurisdiction.

Description of Agenda Item:

The 88th Texas Legislature (Regular Session) adopted, and the Governor signed, Senate Bill 2038, effective September 1, 2023. SB 2038 requires that a municipality must release property from its extraterritorial jurisdiction (ETJ) upon the request of a property owner. There are limitations to such release as defined in Section 42.101 of the Texas Local Government Code; however, those limitations apply to very specific situations, such as the property being located within 5 miles of a military base, in the ETJ of a municipality with a population of more than 1.4 million, in an industrial district or in an area subject to a strategic partnership agreement. None of those statutorily authorized situations apply here. If the Town does not adopt the requested ETJ release ordinance, after 45 days the ETJ release nevertheless becomes effective as a matter of law.

The Town currently does not provide any services to the ETJ area to be released.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached Ordinance as to form and legality.

Attached Documents:

1. Petition for Release of ETJ
2. Proposed Ordinance

Town Staff Recommendation:

The Town Attorney recommends that the Town Council approve an ordinance releasing 19.358 Acres, more or less, generally located west of FM 1385 in Denton County, from the Town's Extraterritorial Jurisdiction

Proposed Motion:

I move to approve an ordinance releasing 19.358 Acres, more or less, generally located west of FM 1385 in Denton County, from the Town's Extraterritorial Jurisdiction