

PETITION FOR RELEASE FROM
CITY OF KILLEEN ETJ

RS-24-057

March 19, 2024

Background

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- During the 2023 Legislative Session, the Texas Legislature passed Senate Bill 2038, which amended Texas Local Government Code Chapter 42 to allow the owner(s) of property located within the extraterritorial jurisdiction (ETJ) of a municipality to petition that municipality for release from the ETJ. This amendment became effective on September 1, 2023.

Background

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- On January 11th, 2024, staff received a petition for release from the ETJ from James Kent, on behalf of Pimluck Properties LLC, owners of the subject property, being approximately 5.78 acres out of the W. Allen Survey, Abstract 24, Salado TX. The property is fully within the City of Killeen ETJ and is generally located on the west side of Brewer Road, approximately 0.31 miles north of F.M. 2484.



AERIAL MAP



PROPERTY ID 72397

- Legend
- County Roads
 - Release Location

Subject Property Legal Description: A0024BC W ALLEN, 6, ACRES 5.78

Background

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- With the adoption of S.B. 2038, Texas Local Government Code Sec. 42.104(d) now states: “If a municipality fails to take action to release the area [...] 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.”

Background

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- Based on this Statute, the petition for release from the ETJ was approved by operation of law on February 25th.
- However, Texas Local Government Code Sec. 42.023 states that the extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution.

Background

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- Therefore, a resolution approving the reduction of the ETJ must be approved by the City Council in accordance with Texas Local Government Code Sec. 42.023.

Recommendation

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- Staff recommends that the City Council approve the petition requesting release from the ETJ in accordance with Chapter 42 of the Texas Local Government Code.