



PETITION FOR RELEASE FROM CITY OF KILLEEN ETJ

RS-23-162

October 3, 2023

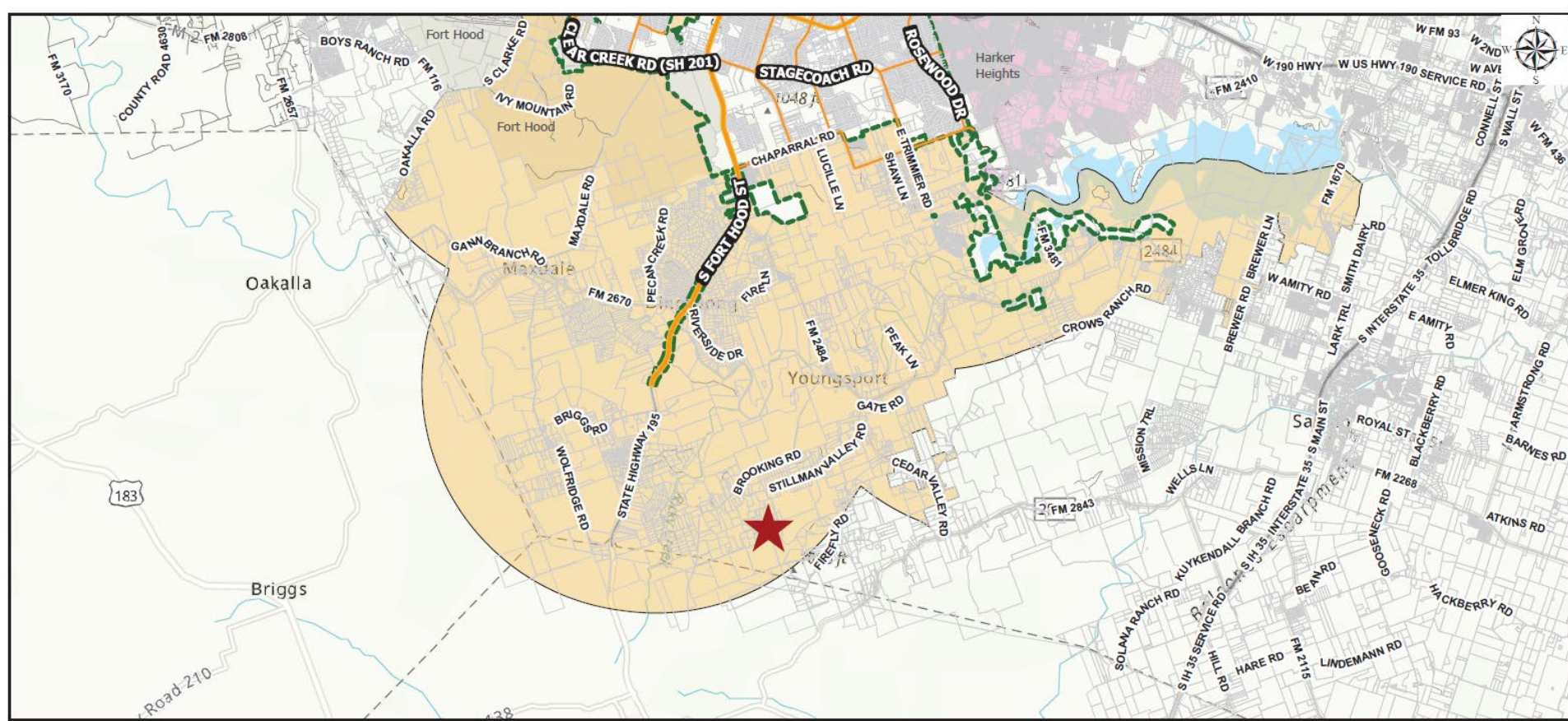
Background

- 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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- Also on September 1, 2023, staff received a petition for release from the ETJ from Scott and Stephanie Brooks, owners of the subject property located at 425 Mercy Ranch Road in the Killeen ETJ.



LOCATION MAP



PROPERTY ID 57338

- Legend
- Major Roads
 - City Limits
 - Killeen ETJ
 - County Roads
 - ★ Zoning Case Location


Subject Property Legal Description: A1160BC B M C CLARK, 1-2-4, & A-1258 J A CLARK, 1-2-4, ACRES 10.092




AERIAL MAP

PROPERTY ID 57338

Legend

 Release Location

 County Roads

0 300 600
Feet

Subject Property Legal Description: A1160BC B M C CLARK, 1-2-4, & A-1258 J A CLARK, 1-2-4, ACRES 10.092

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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- 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.

Alternatives

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- The City Council has two alternatives. The Council may:
 - ▣ Approve the petition requesting release from the ETJ; or
 - ▣ Do not approve the petition requesting release from the ETJ.

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.