



City of Killeen

Legislation Details (With Text)

File #: RS-23-162 **Version:** 1 **Name:** Release from ETJ - Scott Brooks
Type: Resolution **Status:** Passed
File created: 9/20/2023 **In control:** City Council
On agenda: 10/17/2023 **Final action:** 10/17/2023

Title: Consider a memorandum/resolution approving a petition submitted by Scott Brooks requesting release from the City of Killeen Extraterritorial Jurisdiction (ETJ) for approximately 10.092 acres of land, being approximately 6.723 acres out of the B.M. Clark Survey, Abstract No. 1160, and approximately 3.37 acres out of the J.A. Clark Survey, Abstract No. 1258. The subject property is locally addressed as 425 Mercy Ranch Rd., Florence, Texas.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Petition, 2. Maps, 3. SB 2038, 4. Presentation

Date	Ver.	Action By	Action	Result
10/17/2023	1	City Council	Approved	Pass
10/3/2023	1	City Council Workshop		

Consider a memorandum/resolution approving a petition submitted by Scott Brooks requesting release from the City of Killeen Extraterritorial Jurisdiction (ETJ) for approximately 10.092 acres of land, being approximately 6.723 acres out of the B.M. Clark Survey, Abstract No. 1160, and approximately 3.37 acres out of the J.A. Clark Survey, Abstract No. 1258. The subject property is locally addressed as 425 Mercy Ranch Rd., Florence, Texas.

DATE: **October 3, 2023**

TO: **Kent Cagle, City Manager**

FROM: **Edwin Revell, Executive Director of Development Services**

SUBJECT: **Petition requesting release from the Extraterritorial Jurisdiction (ETJ)**

BACKGROUND AND FINDINGS:

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.

Also on September 1, 2023, staff received the attached 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.

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.

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."

THE ALTERNATIVES CONSIDERED:

The City Council has two alternatives:

- 1) Approve the petition requesting release from the ETJ; or
- 2) Do not approve the petition requesting release from the ETJ.

Which alternative is recommended? Why?

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.

CONFORMITY TO CITY POLICY:

This item conforms to all applicable City policy.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This is not applicable.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends that the City Council approve the request for release from the ETJ.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Petition
Maps
S.B. 2038