CITY OF BASTROP, TX
RESOLUTION NO. R-2024-29A

EXTRATERRITORIAL JURISDICTION RELEASE

A RESOLUTION OF THE CITY OF BASTROP, TEXAS FOR
THE RELEASE OF LAND FROM THE CITY’S
EXTRATERRITORIAL JURISDICTION UPON REQUEST
AND PROVIDING FOR FINDINGS OF FACT, REPEALER,
SEVERABILITY, EFFECTIVE DATE, AND PROPER
NOTICE AND MEETING

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of
Bastrop ("City") has general authority to adopt an ordinance, resolution, or
police regulation that is for the good government, peace, or order of the
City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Senate Bill 2038 passed by the Texas State Legislature
in the 88th Legislative Session, Texas Local Government Code Chapter 42
allows for the release of an area from the City’s extraterritorial jurisdiction
("ETJ") by petition of landowners or by election; and

WHEREAS, pursuant to Texas Local Government Code Section 42.102, a resident of
an area or the owners of the majority in value of an area in the City’s ETJ
may file a petition with the City Secretary for the area to be released from
the ETJ; and

WHEREAS, pursuant to Texas Local Government Code Section 42.152, a resident of
an area in the City’s ETJ may request the City to hold an election to vote
on the question of whether to release the area from the City’s ETJ by filing
a petition with the City Secretary; and

WHEREAS, the City Council has received a petition for the release of a certain tract of
land comprised of +/- 128.563 acres currently situated within the ETJ of the
City ("Property"), which Property is more accurately described in Exhibit A,
which is attached hereto and incorporated herein; and,

WHEREAS, having received verification from the City Secretary, the City Council finds
the attached ETJ Release Petition for the Property ("Petition"), which is
attached here as Exhibit A and incorporated herein, is valid and this
Resolution is necessary and proper for the good government, peace, or
order of the City to release the Property from the City’s ETJ.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bastrop, Texas:

Section 1. Findings of Fact: The foregoing recitals are incorporated into this resolution ("Resolution") by reference as findings of fact as if expressly set forth word-for-word herein.

Section 2. Release: The Petition is hereby considered verified; therefore, the Property as described in the Petition is hereby released from the City’s ETJ.

Section 3. Filing: The City Secretary is hereby directed to file a certified copy of this Resolution and an updated map of the City’s ETJ boundary with the County Clerk of Bastrop County, Texas.

Section 4. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 5. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 6. Effective Date: This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, its Code of Ordinances, and the laws of the State of Texas.

Section 7. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.
PASSED & APPROVED on First Reading by the City Council of the City of Bastrop, on this, the 26th day of March 2024.

APPROVED:

by: ____________________________

Lyle Nelson, Mayor

ATTEST:

______________________________
Ann Franklin, City Secretary

APPROVED AS TO FORM:

______________________________
Alan Bojorquez, City Attorney
Exhibit “A”

ETJ Release Petition
# Release from Extraterritorial Jurisdiction (ETJ) Petition

## Applicant / Owner

<table>
<thead>
<tr>
<th>Applicant or Authorized Agent</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name:</strong> ERON SMITH / LOST PINES RV LLC</td>
<td><strong>Name:</strong> SAME</td>
</tr>
<tr>
<td><strong>Company:</strong> DATE OF BIRTH 11-06-1962</td>
<td><strong>Company:</strong></td>
</tr>
<tr>
<td><strong>Address:</strong> 632 HEATHER LANE</td>
<td><strong>Address:</strong></td>
</tr>
<tr>
<td><strong>FRIENDSWOOD TEXAS 77546</strong></td>
<td><strong>Telephone:</strong></td>
</tr>
<tr>
<td><strong>Telephone:</strong> 281-389-0194</td>
<td><strong>Email:</strong> ERON @ WHITESTONEHOLDINGS.NET</td>
</tr>
<tr>
<td><strong>Email:</strong></td>
<td><strong>Signature:</strong></td>
</tr>
<tr>
<td><strong>Signature:</strong></td>
<td></td>
</tr>
</tbody>
</table>

3-14-2024  Eron R. Smith

## Site Information

<table>
<thead>
<tr>
<th>Number of properties within the area to be released:</th>
<th>2 ADJACENT TRACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>General location or address of area to be released:</td>
<td>110 COTTON TOP, 2.503 ACRES</td>
</tr>
<tr>
<td>Total Acres to be released:</td>
<td>128.563 ACRES</td>
</tr>
<tr>
<td>County of Request</td>
<td>BASTROP</td>
</tr>
<tr>
<td></td>
<td>201 PAVILLION DRIVE, 126.06 ACRES</td>
</tr>
</tbody>
</table>

## Required Items for Petition

(Applicant must initial next to each item)

- Completed Application
- Exact Property description in the form of: 1) Metes and Bounds, or 2) Identification of the property (Lot and Block) on a Recorded Plat
- Signed "Release from ETJ Petition" (see next page)
- 50% of all owners within the area to be released must provide a NOTARIZED signature
- If property is owned by an entity, estate, trust, etc. — provide proof of authority to sign on behalf of the entity, estate, trust, etc.
- If current ownership differs from data available on the Appraisal District website provide deed(s) as proof of ownership
- Owner of the property acknowledges that with the submittal of this petition, that they may no longer assume they will have the ability to receive City of Bastrop utility or emergency services for the property being removed for the extraterritorial jurisdiction (ETJ) of the City of Bastrop.

Owners signature required: 3-14-2024  Eron R. Smith
CITY OF BASTROP RELEASE FROM ETJ PETITION

By signing this petition, I hereby request to be removed from the City of BASTROP Extraterritorial Jurisdiction (ETJ). I hereby affirm that I am the legal owner of the property identified below (attach additional pages as required).

<table>
<thead>
<tr>
<th>Tax ID # and Physical Address</th>
<th>Property Owners Signature</th>
<th>Notary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

State of Texas
County of Galveston
The instrument was signed or acknowledged before me on 3/14/24
By Sean Smith
Print name of signer(s)

By
Print name of signer(s)

DENISE SPRUIELL
Notary Public, State of Texas
Comm. Expires 04-02-2025
Notary ID 12514073-8

Notary Signature

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State of
County of
The instrument was signed or acknowledged before me on
By
Print name of signer(s)

Notary Signature