# CITY OF BASTROP, TX RESOLUTION NO. R-2024-61

#### **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 88<sup>th</sup> 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 5.100 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 28th day of May 2024.

**APPROVED:** 

by

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

**APPROVED AS TO FORM:** 

Alan Bojorquez, City Attorney

#### Exhibit "A"

**ETJ Release Petition** 

#### April 18, 2024

Alan J. Bojorquez
Bojorquez Law Firm
Bastrop City Attorney
11675 Jollyville Road, Suite 300
Austin, Texas 78759

Via: U.S. Postal Service Certified Mail 9589 0710 5270 0900 5443 28 - Return Receipt

Re: Petition for Release from the Extraterritorial Jurisdiction of the City of Bastrop

Dear Mr. Bojorquez,

- 1. Chris Humphreys ("Owner") files this Petition pursuant to Tex. Loc. Gov't Code § 42.102.
- Chris Humphreys owns property within the extraterritorial jurisdiction of the City of Bastrop, located at 781 North State Highway 95, Bastrop, Texas 78602, Bastrop County Appraisal District Property ID 34178 (the "Property"). See Exhibit A (Deed and Property Map).
- 3. Owner hereby Petitions the City of Bastrop to release of Owner's Property from its extraterritorial jurisdiction.
- 4. Pursuant to Tex. Loc. Gov'r Code § 42.102, an owner or owners of majority in value of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality to be released from the extraterritorial jurisdiction, if the owner's property in question meets the applicability requirements of Tex. Loc. Gov'r Code § 42.101 and the petition requirements of Tex. Loc. Gov'r Code § 42.104.
- 5. Owner's Property meets the applicability requirements of Tex. Loc. Gov't Code § 42.101.
- As set forth in Exhibit B, Affidavit of Owner, and as set forth in Tex. Loc. Gov'T Code § 42.101, the undersigned swears that the Property is not:
  - (1) within five miles of the boundary of a military base, as defined by Tex. Loc. Gov'T CODE § 43.0117, at which an active training program is conducted;
  - (2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:
    - (A)in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020, and
    - (B) that has a population greater than 240,000;
  - (3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

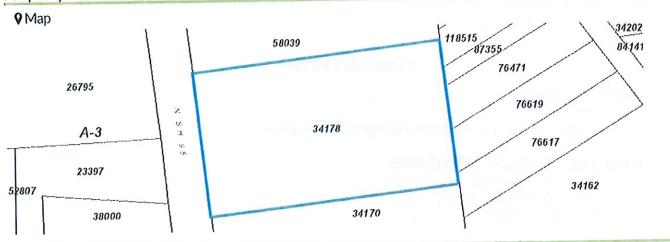
- (A) within 15 miles of the boundary of a military base, as defined by Tex. Loc. Gov'r CODE § 43.0117, at which an active training program is conducted, and
- (B) in a county with a population of more than 2 million;
- (4) in an area designated as an industrial district under Tex. Loc. Gov'T Code § 42.044; or
- (5) in an area subject to a strategic partnership agreement entered into under Tex. Loc. Gov'T CODE § 43.0751.
- 7. This Petition meets the requirements of Tex. Loc. Gov't Code § 42.104.
- 8. As required by Tex. Loc. Gov't Code § 42.104(a)(2), Owner's value in the Property constitutes more than 50% of the value of the Property, as indicated by the tax rolls of the Bastrop Central Appraisal District.
- 9. As required by TEX. LOC. GOV'T CODE § 42.104(a)(2), the signature page accompany this Petition includes the signatures of 100% of the Property's owners in value, which is more than 50%.
- 10. As required by TEX. LOC. GOV'T CODE § 42.103, the signature is valid pursuant to TEX. ELEC. CODE § 277.002.
- 11. This Petition contains, in addition to the signature:
  - (A) the signer's printed name;
  - (B) the signer's:
    - (i) date of birth; or
  - (C) the signer's residence address; and
  - (D) the date of signing.
- 12. As required by TEX. LOC. GOV'T CODE § 42.104(b), Owner filing this Petition satisfied the signature requirement within 180 days after the date the first signature for the Petition was obtained.
- 13. As required by Tex. Loc. Gov'T Code § 42.104(c), the signature collected under this section is in writing.
- 14. As required by Tex. Loc. Gov'r Code § 42.104(d), this Petition includes the deed for the land to be released in Exhibit A, which describes the boundaries of the land to be released by: (1) metes and bounds; or (2) lot and block number, if there is a recorded map or plat. Exhibit A also includes a map of the land to be released.
- 15. As required by TEX. Loc. Gov't Code § 42.105(a), the City must verify this Petition upon receipt; shall notify the residents and landowners of the area described by the petition of the results of the petition, or shall notify Owner, who filed this Petition under Section 42.102.

- 16. Pursuant to Tex. Loc. Gov't Code § 42.105(c), because Owner has obtained the number of signatures on the Petition required under Section 42.104 to release the area from the extraterritorial jurisdiction of the City of Bastrop, the City must immediately release the area—Owner's Property—from the City's extraterritorial jurisdiction.
- 17. Pursuant to Tex. Loc. Gov't Code § 42.105(d), if the City fails to take action to release Owner's Property from the City's ETJ by the later of the 45th day after the date the municipality receives the petition or the next meeting of the City's governing body that occurs after the 30th day after the date the City receives this petition, the area—Owner's Property—is released by operation of law.

## EXHIBIT A DEED AND PROPERTY MAP

(INSERT DEED AND CAD MAP HERE.)

Property ID: 34178 For Year 2023



#### ■ Property Details

Account

Property ID:

34178

Geographic ID: R34178

Type:

Real

Zoning:

**Property Use:** 

Location

Situs Address:

781 N SH 95 BASTROP, TX 78602

Map ID:

00

Mapsco:

Legal Description:
Abstract/Subdivision:

GREEN OAKS, LOT 28, ACRES 5.0100

Austracoonbury

S6120 - Green Oaks

Neighborhood:

NBHD0213

Owner

Owner ID:

808241

Name:

HUMPHREYS, PHILLIP & SONDRA &

Agent:

Mailing Address:

CHRISTOPHER D HUMPHREYS

781 N SH 95

BASTROP, TX 78602

% Ownership:

100.0%

Exemptions:

For privacy reasons not all exemptions are shown online.

#### ■ Property Values

Improvement Homesite Value:

\$0 (+)

Improvement Non-Homesite Value:

\$203,638 (+)

Land Homesite Value:

\$0 (+)

Land Non-Homesite Value:

\$183,002 (+)



202217682

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

WARRANTY DEED

DATE: May 19

GRANTORS: Phillip A. Humphreys and Sondra S Humphreys

GRANTORS MAILING ADDRESSES:

Phillip A. Humphreys 781 N State Highway 95 Bastrop, TX 78602

Sondra S. Humphreys 781 N State Highway 95 Bastrop, TX 78602

GRANTEE: Christopher D. Humphreys, as to undivided 1/3 interest

#### GRANTEE'S MAILING ADDRESS:

Christopher D. Humphreys 781 N State Highway 95 Bastrop, TX 78602

PROPERTY (legal description):

LOT TWENTY EIGHT (28) OF GREEN OAKS SUBDIVISION, AN ADDITION IN BASTROP COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT CABINET #1, PAGE 178B OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS, SAID TRACT CONTAINING 5/100 ACRES OF LAND, MORE OR LESS.

#### CONSIDERATION:

This conveyance is made for the following consideration, the reveipt and sufficiency of which is acknowledged:

Cash of ten dollars or more and other good and valuable consideration.

RESERVATIONS FROM CONVEYANCE: NONE

#### **EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

This conveyance is made subject to the following exceptions:

Liens described or referenced above relating to the Consideration;

Valid and enforceable easements and prescriptive rights of record or which are open and obvious:

Valid and enforceable matters of record, including restrictions, reservations of interest, covenants, conditions, leases (including but not limited to oil, gas and mineral leases), reservations or conveyances of water interests, and any other instruments (other than a conveyance of a fee estate in the surface) affecting the property,

Standby fees, taxes, and assessments of any taxing authority for the current year and subsequent years; and

Taxes and assessments for prior years of any taxing authority due to a change in land ownership or usage, payment of which Grantee assumes and agrees to pay.

AS IS CONVEYANCE:

THIS CONVEYANCE CONVEYS THE PROPERTY IN ITS "AS IS" CONDITION THE PARTIES HAVE BARGARDED FOR AND HEREBY AGREE THAT THERE ARE NO WARRANTIES EITHER EXPRESS OR IMPLIED OTHER THAN ANY REPRESENTATIONS EXPRESSLY CONTAINED IN THE PURCHASE CONTRACT, THIS INSTRUMENT, OR THE CLOSING DOCUMENTS.

**CONVEYANCE:** 

For the consideration stated above, the receipt and sufficiency of which is acknowledged, Grantors grant, sell and convey an undivided 1/3 interest in the Property, together with all and singular any improvements, rights and appurtenances belonging thereto, to Grantee and Grantee's heirs and assigns, TO HAVE AND TO HOLD FOREVER. This conveyance, however, is made subject to all Exceptions and Reservations stated herein.

Grantors assign to Grantee all funds, if any, on deposit for payment of property taxes and insurance premiums due or coming due against the property

WARRANTY:

Except for the Reservations and Exceptions stated above, Grantors bind Grantors and Grantors' heirs, executors, and administrators to WARRANT AND FOREVER DEFEND all and singular title to the Property for the benefit of Grantee and Grantee's heirs, executors and assigns, against any and all claims of every person lawfully claiming or to claim the Property of any part thereof

Phillip A Humphreys

Sondra S Humphreys

## **ACKNOWLEDGMENT** STATE OF TEXAS 8 COUNTY OF This instrument was acknowledged before me on May 19, 2022, by Phillip A. Humphreys **JESSICY MOSK** Notary Public, State of Texas JESSICA TO CANAL STRESS JULY 22, 2022 NOTARY ID: 12989599 ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF BASTOP This instrument was acknowledged before me on May 19, 2022, by Sondra S. Humphreys Notary Public, State of Texas JESSICA NOSKA Y COMMISSION EXPIRES JULY 22, 2022 NOTARY ID: 120895889 PREPARED BY: Collie & Wolfshohl, PLLC 1407 N Water St. Burnet, TX 78611 AFTER RECORDING RETURN TO: 781 N State Highway 95 Bastrop, TX 78602 FILED AND RECORDED OFFICIAL PUBLIC RECORDS KRISTA BARTSCH County Clerk **Bastrop Texas** August 11, 2022 11 19 34 AM **STERLYNGCURLES** FEE \$34 00 202217682

DEED

#### EXHIBIT B

#### AFFIDAVIT OF (NAME OF LANDOWNER) IN SUPPORT OF PETITION FOR RELEASE FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF (CITY NAME)

Before me, the undersigned authority, on this day personally appeared, (Name of Landowner), who under oath stated as follows:

- 1. My name is Chris Humphreys. I am over eighteen (18) years of age and am legally competent to make this affidavit, which is true and correct, and is made voluntarily and not under duress.
- 2. There are three (3) owners of the Property: Chris Humphreys, Phillip Humphreys and Sondra Humphreys, own 100% of the interest in the Property.
- 3. I swear that the Property is not: (1) within five miles of the boundary of a military base, as defined by Tex. Loc. Gov't Code § 43.0117, at which an active training program is conducted; (2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county: (a) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020, and (b) that has a population greater than 240,000; (3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is: (a) within 15 miles of the boundary of a military base, as defined by Tex. Loc. Gov't Code § 43.0117, at which an active training program is conducted, and (b) in a county with a population of more than 2 million; (4) in an area designated as an industrial district under Tex. Loc. Gov't Code § 42.044; or (5) in an area subject to a strategic partnership agreement entered into under Tex. Loc. Gov't Code § 43.0751.
- 4. I swear that the petition contains my valid and true (1) signature, (2) printed name, (3) date of birth; (4) residence address, and (5) date of which I signed such petition.

5. I swear that I satisfied the signature requirement of Tex. Loc. Gov't Code § 42.104(b) within 180 days following the date the first signature for the petition was obtained.

ARCHIE W. JOHNSON MY COMMISSION EXPIRES 03/07/2028 NOTARY ID: 134799324

Chris Humphreys

Sworn and subscribed to before me on this the 23 day of April, 2024.

Notary Public in and for the State of Texas

### Owner Name: (Name of Owner)

By: _Christopher HumphreysPrinted Name
Its: Owner
Title
Signature
Date of birth
781 N State Highway 95, Bastrop Tx 78602 Residence address
4-23-24 Date of signing
2410 01 010111110

#### CONSENT FOR PETITION

We, the members of the Humphrey Family, do hereby carry out the following agreement.

NOW THEREFORE BE IT RESOLVED that Chris Humphreys is authorized on our behalf to execute a petition for removal of our real property at 781 North State Highway 95 from the extraterritorial jurisdiction of the City of Bastrop, Texas.

Bv:

Chris Humphreys

By:

Phillip Humphreys

By:

Sondra Humphreys



## RELEASE OF PROPERTY FROM CITY OF BASTROP ETJ

