



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 17

**Agenda Date:** February 15, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Rudy Nino

**COUNCIL DISTRICTS IMPACTED:** ETJ

**SUBJECT:**

Release of approximately 925.4 acres from the City of San Antonio's Extraterritorial Jurisdiction (ETJ) as petitioned by the landowner.

**SUMMARY:**

Ordinance authorizing the release of approximately 925.4 acres, consisting of one tract of land (Comal County Appraisal District Property ID 79810), generally located northeast of the intersection of FM 3009 and Schoenthal Road N in Comal County, Texas from the City of San Antonio's ETJ as petitioned by the landowner Heidelberg Materials Southwest Agg 1 LLC.

**BACKGROUND INFORMATION:**

In the 88th (R) Texas legislative session, Senate Bill (SB) 2038 was passed and is effective as of September 1, 2023. The newly enacted Local Government Code, Chapter 42, Subchapters D and E codified and established a petition process for the release of certain property from a city's ETJ. This new law does not apply to certain areas in the ETJ, including areas within five miles of an active military base boundary; areas within 15 miles of an active military base in counties with over 2 million in population; and areas within an industrial district, or subject to a strategic partnership agreement.

Heidelberg Materials Southwest Agg 1 LLC (Landowner), own approximately 925.4 acres, consisting of one tract of land (Comal County Appraisal District Property ID 79810), generally located northeast of the intersection of FM 3009 and Schoenthal Road N in Comal County, Texas within San Antonio's ETJ. The Landowner submitted a petition to the City of San Antonio (City) requesting the release of their property from San Antonio's ETJ on December 22, 2023. The City verified that the petition complies with the newly enacted Subchapter D of Chapter 42 of the Texas Local Government Code, consistent with the Texas Election Code.

#### **ISSUE:**

This Ordinance authorizes the release of 925.4 acres from San Antonio's ETJ, as petitioned by the Landowner, Heidelberg Materials Southwest Agg 1 LLC. Below is the public hearing timeline for the proposed ETJ Release:

- January 24, 2024 – City of San Antonio Planning Commission
- February 1, 2024 – City of San Antonio City Council

#### **ALTERNATIVES:**

The new State law mandates the City release property within the ETJ if the process and parameters of Local Government Code, Chapter 42, Subchapters D and E, are followed by the Landowners. As staff has verified the process has been correctly followed, there is no alternative action for the City to take.

#### **FISCAL IMPACT:**

There is no fiscal impact to the General Fund associated with this proposed ETJ release.

#### **RECOMMENDATION:**

Staff recommends the Approval of the Ordinance authorizing the release of approximately 925.4 acres, consisting of one tract of land (Comal County Appraisal District Property ID 79810), generally located northeast of the intersection of FM 3009 and Schoenthal Road N in Comal County, Texas from the City of San Antonio's Extraterritorial Jurisdiction as petitioned by the landowner Heidelberg Materials Southwest Agg 1 LLC.

The Planning Commission considered and recommended approval of a related Resolution at their January 24, 2024 meeting.