

RESOLUTION NO.

RECOMMENDING APPROVAL OF THE RELEASE OF APPROXIMATELY 302.15 ACRES OF REAL PROPERTY, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF OLD NACOGDOCHES ROAD AND COYOTE RUN IN COMAL COUNTY, TEXAS FROM THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION, AS PETITIONED BY THE LANDOWNERS HEIDELBERG MATERIALS SOUTHWEST AGG LLC AND BEAZER EAST, INC., PURSUANT TO THE PROVISIONS OF CHAPTER 42 OF THE TEXAS LOCAL GOVERNMENT CODE.

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WHEREAS, in the 88th (R) Texas legislative session, Senate Bill (SB) 2038 was passed and is effective on September 1, 2023; and

WHEREAS, this newly enacted section of the Local Government Code, Chapter 42, Subchapters D and E, codified and established a process for the release of property from a city's extraterritorial jurisdiction (ETJ); and

WHEREAS, this section of code does not apply to certain areas of an ETJ, including areas within five miles of an active military base, areas within 15 miles of an active military base in counties with over 2 million in population, areas that were voluntarily annexed into cities' ETJ in certain counties, certain areas legally designated as industrial districts, or areas subject to a strategic partnership agreement; and

WHEREAS, Heidelberg Materials Southwest Agg LLC and Beazer East, Inc., (Landowners) own approximately 302.15 acres within San Antonio's ETJ and petitioned the City of San Antonio (City) on April 10, 2025, to release certain property in the ETJ, legally described and depicted in the petition, attached as **Attachment "I"**; and

WHEREAS, the field notes in the original petition were incorrect, and the landowners submitted a revised petition with corrected field notes on May 5, 2025; and

WHEREAS, the property consists of Comal County Appraisal District (CCAD) Parcel ID Numbers 73842, 74376, 80506, and 80507; and

WHEREAS, the City verified that the petition complies with the newly enacted Subchapters of Chapter 42 of the Texas Local Government Code; and

WHEREAS, consistent with the San Antonio City Charter the San Antonio Planning Commission held a public hearing on May 28, 2025, and has considered the effect of amending the San Antonio ETJ boundaries by releasing 302.15 acres, as petitioned, and depicted by the landowners in **Attachment "I"**.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1. A copy of Landowners' petition to remove their property from the City's ETJ is attached as **Attachment "I"** and incorporated herein for all purposes.

SECTION 2. The Planning Commission recommends **Approval** of the landowners' petition for release of certain property from the City of San Antonio ETJ, which includes approximately 302.15 acres of real property, generally located northwest of the intersection of Old Nacogdoches Road and Coyote Run in Comal County, and which is legally described and depicted in the attached **Attachment "I"** and **Attachment "II"**.

PASSED AND APPROVED ON THIS 28TH DAY OF MAY, 2025.

ATTEST:

APPROVED:

Executive Secretary
San Antonio Planning Commission

George Peck, Chair
San Antonio Planning Commission

Attachment “I”

Petition of Heidelberg Materials Southwest Agg LLC and Beazer East, Inc.

Attachment “II”

Map