

RESOLUTION NO. 24 10 11

RECOMMENDING APPROVAL OF THE RELEASE OF APPROXIMATELY 214.27 ACRES OF REAL PROPERTY, CONSISTING OF ONE TRACT OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SCHOENTHAL ROAD AND MONTANIO DRIVE IN COMAL COUNTY, TEXAS FROM THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION, AS PETITIONED BY THE LANDOWNER FLYING W PROPERTIES, LTD., 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, Flying W Properties, Ltd. (Landowner), own approximately 214.27 acres within San Antonio's ETJ and petitioned the City of San Antonio (City) on September 30, 2024, to release certain property in the ETJ, legally described and depicted in the landowner's petition, attached as **Attachment "1"**; and

WHEREAS, the field notes attached to the petition were inaccurate, and the landowner through their engineer re-submitted revised and corrected field notes for the petition on October 7, 2024; 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 October 23, 2024, and has considered the effect of amending the San Antonio ETJ boundaries by releasing 214.27 acres, as petitioned by the landowners, and as depicted in the map attached as **Attachment "2"**.

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

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

SECTION 2. The Planning Commission recommends **Approval** of the Landowner's request for release of certain property from the City of San Antonio ETJ, which includes approximately 214.27 acres of real property, consisting of one tract of land generally located southeast of the intersection of Schoenthal Road and Montanio Drive in Comal County, Texas and which is legally described and depicted in the attached **Attachment "1"** and **Attachment "2"**.

PASSED AND APPROVED ON THIS 23RD DAY OF OCTOBER, 2024.

ATTEST:

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a horizontal line.

Executive Secretary
San Antonio Planning Commission

APPROVED:

A handwritten signature in blue ink, appearing to be 'G. Peck', written over a horizontal line.

George Peck, Chair
San Antonio Planning Commission