



# City of San Antonio

## Agenda Memorandum

**File Number:**  
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**Agenda Item Number:** {{item.number}}

**Agenda Date:** October 23, 2024

**In Control:** Planning Commission Meeting

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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Bridgett White

**COUNCIL DISTRICTS IMPACTED:** ETJ

**SUBJECT:**

Release of approximately 214.27 acres from the City of San Antonio's Extraterritorial Jurisdiction (ETJ) as petitioned by the landowner.

**SUMMARY:**

Resolution 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 ETJ as petitioned by the landowner, Flying W Properties, Ltd.

**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 releasing 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, 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.

Flying W Properties, Ltd. (Landowner), owns approximately 214.27 acres, consisting of one tract of land generally located southeast of the intersection of Schoenthal Road and Montanio Drive 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 September 30, 2024. However, the field notes attached to the petition were incorrect. Consequently, the landowner, through their engineer, re-submitted the revised and corrected field notes for the petition on October 7, 2024. The City verified that the petition and revised field notes comply with the newly enacted Subchapters of Chapter 42 of the Texas Local Government Code.

#### **ISSUE:**

This Resolution recommends the release of 214.27 acres from San Antonio's ETJ, as petitioned by the Landowner. Below is the public hearing timeline for the proposed ETJ Release:

- October 23, 2024 – City of San Antonio Planning Commission
- October 31, 2024 – City of San Antonio City Council

#### **ALTERNATIVES:**

The new State law mandates that 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 Landowner. As staff has verified the process has been correctly followed, there is no alternative action for the City to take.

#### **RECOMMENDATION:**

Staff recommends the Approval of a Resolution recommending 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.