

Legislation Text

File #: 18-410, **Version:** 1

Presenter/Contact

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SUBJECT:

City of Seguin's request for ETJ exchange with the City of New Braunfels

BACKGROUND / RATIONALE:

Established by state statute, the Extraterritorial Jurisdiction (ETJ) is that area just beyond a city limits within which cities have some limited authority: subdivision platting, annexation, and other very limited regulations. In Texas, a city's ETJ distance/depth is based upon its population; New Braunfels' ETJ extends 3.5 miles from its city limits (when we reach 100,000 in population it will automatically extend to 5 miles). When cities annex, their ETJ extends further automatically. Once one city establishes ETJ, another city cannot annex into it, beyond it, or claim it as their ETJ. This is why ETJ distance/depth may vary, but not exceed the statutorily authorized distance/depth. However, state law allows for municipalities to exchange ETJ.

New Braunfels' ETJ boundary crosses Highway 46 South near its intersection with Cordova Road. The City of Seguin has annexed up to and abutting New Braunfels' ETJ along State Highway 46. Owners of several large agricultural tracts in this vicinity are seeking to be annexed by the City of Seguin, however the tracts lie within New Braunfels' ETJ. The City of Seguin has requested these tracts be released from New Braunfels' ETJ so that Seguin may annex them.

Even though the subject tracts are within New Braunfels' ETJ, the City of Seguin would actually provide wastewater services to them as they lie within Seguin's sewer CCN (Certificate of Convenience and Necessity). However, Seguin will extend sewer service only if within their city limits. The following are additional service provision facts regarding the subject properties:

- Water - Springs Hill Water Supply Corporation
- Electricity - Guadalupe Valley Electric Cooperative (GVEC)
- Fire protection - City of Seguin via a contract with Guadalupe County
- EMS service - City of Seguin via a contract with Guadalupe County
- Police protection - Guadalupe County Sheriff

As the tracts are on the edge of our ETJ, it will be some time before New Braunfels could annex them. With Seguin's abutting city limits, Seguin is better positioned at the present to annex them and provide services sooner, including wastewater.

Large single-family residential neighborhoods are rapidly developing on the large agricultural acreage in the vicinity. It is anticipated the same will occur with the subject and surrounding tracts. Commercial development at nearby major intersections will follow. Therefore, release of the subject

tracts should include an equivalent exchange.

As the City of Seguin is willing to trade ETJ in order to obtain the subject parcels, staff from both cities have been working collaboratively to identify potential equitable parcels for logical exchange. In examining the area where both ETJs meet, it became apparent that many parcels are bisected by ETJ of both cities, simply through the automatic extension of ETJ over the decades. While this is common with all cities in Texas, the issue presented an opportunity to clarify jurisdictional oversight for property owners. Therefore, the proposal includes drawing ETJ lines along parcel boundaries or roadways creating a beneficial situation for property owners in the event they plan future subdivision development.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Yes	City Plan/Council Priority: 2006 Comprehensive Plan Pros and Cons Based on Policies Plan	Pros Goal 8, Objective E: <i>Research previous ETJ agreements with neighboring communities and consider adjustment or adoption of inter-local agreements regarding the ETJ of nearby cities.</i> The proposal negotiated would result in a more streamlined development process for planned or future developments and property owners presently split between the ETJs of two cities. It would also facilitate proper utility provision for a development presently going through the development review process. And it would place properties in respective ETJ that would be more consistent with goals and future plans of both cities. Cons None
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends providing a briefing to Planning Commission, then bringing the proposal and an agreement forward for City Council consideration.