

RESOLUTION NO. 11-5

Titled: Release of ETJ Agreement

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF WESTON LAKES (the City), TEXAS, AGREEING TO RELEASE THE PROPERTY OWNERS WINNE, SHORT AND A CERTAIN GROUP OF PROPERTY OWNERS IN THE FULBROOK SUBDIVISION FROM THE CITY OF WESTON LAKES EXTERITORIAL JURISDICTION SUBJECT TO THE CONDITIONS ENUMERATED IN THE FOLLOWING RESOLUTION.

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WHEREAS, House Bill 2902 (the Bill) a “bracketed bill” applying to only the City of Weston Lakes has been introduced in the Texas State Legislature that proposes to forcibly remove property from the City of Weston Lakes Exterritorial Jurisdiction; and

WHEREAS, the City has been unable to counter the Bill in the House and the Bill is on its way to passage in the Senate; and

WHEREAS, the City has in the past refused to consider the removal of the properties from the ETJ; and

WHEREAS, the Bill as written would allow anyone in the ETJ to opt out of the ETJ potentially leaving the City with no ETJ, the only City in the State to be so effected; and

WHEREAS, the Bill will diminish the City’s ability to allow for and plan for its future growth within its ETJ; and

WHEREAS, the Board of Aldermen for a city so targeted by this legislation has no right of redress; and

WHEREAS, a way to preserve the rest of the ETJ from future attack is to enter into a settlement that would release the limited areas in question from the ETJ, in exchange for the removal of the Bill from further consideration in the Legislature now, therefore,

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WESTON LAKES, TEXAS:

Section 1. The facts and matters set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. Board of Aldermen of the City of Weston Lakes, Texas, agrees to release the Fulbrook Subdivision from its ETJ on the east side of the City and the properties belonging to Mr. James Winne, a 44 acre tract, and James Short, a three acre plat, on the west side of the City.

It is also resolved that the release is dependent upon the following conditions:

HB 2902 will not be passed by the Senate and it will die in Senate committee;

all costs associated with the release will be borne by the released parties;

the City will receive written commitments that such a bill will not be brought up again in this or any future legislature;

that the released parties will come to the city with a formal and properly drawn request for release, to include the proper legal description subject to the review of the City Engineer of the properties agreed to be released.

Section 3. The Mayor is hereby authorized and directed to finalize the settlement for conversion to an ordinance after all parties have committed to the agreement.

PASSED, APPROVED, AND RESOLVED this 12th day of May 2011.

ATTEST:

Mary Rose Zdunkewicz
Mary Rose Zdunkewicz, Mayor

S. Purcell
S. Purcell, City Secretary