

ETJ Release by Petition Checklist

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In order to process a petition or application received pursuant to Texas Local Government Code, Chapter 42, Subchapter D, follow the below checklist to ensure all requirements and conditions are met:

Step 1: Confirm Applicability

- Ensure that the area in question is located in the city's ETJ.
- If the area is in the ETJ, confirm the following exemptions do not apply:
 - Verify that the area is not subject to a strategic partnership agreement.
 - Confirm the area in question is not within 5 miles of a boundary of an active military base.
 - Confirm that the area is not located in an area designated as an industrial district.
 - Confirm the area was not voluntarily annexed into an ETJ located in Hays County, Texas.
 - Make sure the area is not within the portion of the ETJ of a municipality with a population of more than 1.4 million and meets specific criteria in regards to distance from a military base and county population.

Step 2: Review Petition Requirements

- Petition must be reviewed by City Secretary or other responsible person.

Petition Eligibility:

- Verify the petition has been filed by either:
 - A resident of the area, or
 - The majority value landowner(s) of the area in question.
- Verify that the petition includes:
 - A legal description of the area boundaries by either (1) metes and bounds description or (2) Lot and Block, and
 - A map of the land to be released.

Signatory compliance:

- Verify that the petition includes signatures from either:
 - Over 50% of the registered voters of the area, or
 - The majority value land title holders as indicated by the tax rolls of the applicable central appraisal district.

Signature Compliance:

Signatures must:

- Be written in signer's handwriting.
- Contain signer's:
 - Printed name
 - Date of Birth, or Voter Registration Number
 - Residence address
 - Date of signature
- Ensure all signatures were obtained within 180 days from the date the first signature was collected.
- Ensure compliance with other requirements from Election Code Chapter 277.

Step 3: Results of Petition

Notification and Release:

- Notify the residents and landowners of the area described in the petition about the results of the petition.
- If the petition meets the signature requirement, initiate the release of the area from the ETJ by the next council meeting after the 30th day following receipt of the petition.
- Update city's ETJ map.