




It's real.

MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, Interim City Attorney 

Date: September 14, 2023

Re: Resolutions releasing property from the City's extraterritorial jurisdiction

During the 2023 legislative session the legislature passed SB 2038 that provides procedures for a landowner to seek release from a municipality's extraterritorial jurisdiction by filing a Petition with the City. The petition must meet certain requirements, mostly that the majority interests in the underlying land sign on to the Petition.

Once a city receives a Petition for Release the Petition is verified that the persons and lands meet the requirement set out in the statute. There are a few exemptions from release, e.g. being within 5 miles of an active military base, but otherwise the verification process is fairly straightforward and administrative.

Once verified the Petition can either be granted – or the City can hold an election wherein the interested citizens, that is the persons owning or living on the effective land, will vote on the Petition.

In the two Petitions before Council today, the parcels of land involve all of the owners signing. Holding an election would be an exercise in futility that would only cost the City money, with nothing to gain in return.

Overall, what this new law entails is a restriction on municipal sovereignty that will allow developers to opt out of the City's subdivision regulations. Depending on the market that may result in denser population centers with inadequate transportation infrastructure – both of which have the potential to affect existing residents.