

Extraterritorial Jurisdiction (ETJ) Case

CASE: CETJ-2023-0001 – City of Manor ETJ swap along Blue Bluff Rd.

PROPOSED CHANGES: The City of Manor, at the behest of the property owner, has requested the swap of approximately 13.8 acres of Austin’s ETJ with approximately 6.6 acres of Manor’s ETJ. The property in question is located along Blue Bluff Road at the intersection of Old HWY 20 and Blue Bluff Road in northeastern Travis County, outside Council District 1. Along with the request, the landowner has agreed to grant a conservation easement on the property leaving Austin’s ETJ.

APPLICANT/OWNER: City of Manor

AGENT: Scott Moore, City Manager, City of Manor

CASE MANAGER: Sara Groff, Planning, Sara.Groff@austintexas.gov, (512)974-8074

LOCATION: Intersection of Blue Bluff Rd and Old HWY 20

DESIRED DEVELOPMENT ZONE:

WATERSHED: Gilleland Creek

ZONING: N/A

PLANNING COMMISSION ACTION:

November 12, 2024: *APPROVED STAFF RECOMMENDATION FOR THE ETJ SWAP.*

[A. AZHAR; D. SKIDMORE - 2ND] (11-0) G. COX – ABSENT, A. PHILLIPS OFF THE DAIS

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND: The City of Manor, at the behest of the property owner, has requested the swap of approximately 13.8 acres of Austin’s ETJ with approximately 6.6 acres of Manor’s ETJ. The property in question is located along Blue Bluff Road at the intersection of Old HWY 20 and Blue Bluff Road in northeastern Travis County, outside Council District 1. Along with the request, the landowner has agreed to grant a conservation easement on the property leaving Austin’s ETJ.

This request was distributed to the following staff: Planning, Watershed Protection Division, Austin Water, and Transportation for review.

In accordance with the 2007 City Council adopted policy regarding ETJ adjustments, requests for ETJ release are typically reviewed by staff from several city departments and evaluated in terms of:

- Annexation potential
- Environmental impacts

- Impact on infrastructure investments
- Long-term effects of cumulative ETJ releases
- Hardship or extenuating circumstances

There is currently no request from the landowner for annexation into City of Austin's Full Purpose Jurisdiction.

Generally, Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. Staff from Watershed Protection have reviewed the proposed release and find it aggregable with the conservation easement.

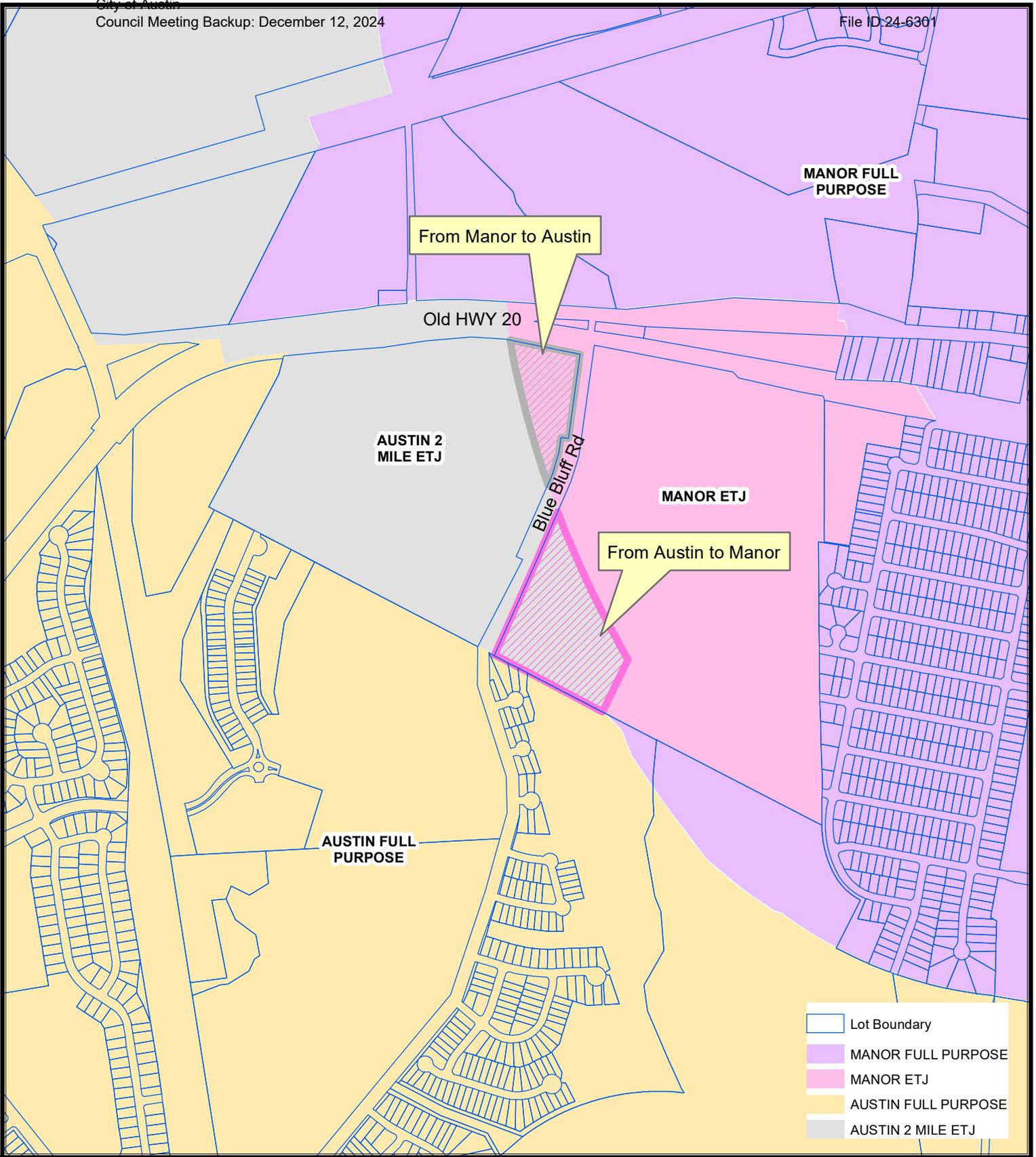
Austin Water is in the process of working with City of Manor and the PUC on a Water/Wastewater CCN transfer to align both City's Water and Wastewater CCN boundaries along Blue Bluff Road to match what will be the new ETJ boundaries. Austin Water supports the ETJ swap.

Finally, agreeing to the ETJ swap would not negatively impact any existing or planned City investments in roadway infrastructure. The area is not served by City-maintained roads.

Staff recommends the ETJ swap with the City of Manor in the interest of cleaner boundaries and regional cooperation with neighboring jurisdictions.

ATTACHMENTS:

- A. Map of proposed release area
- B. Approved Manor City Council resolution 2023-45 officially requesting ETJ swap
- C. Proposed Conservation Easement
- D. ETJ Release Policy Evaluation



CETJ-2023-0001

Blue Bluff ETJ Swap



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 11/5/2024
By: meekss

RESOLUTION NO. 2023-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, REQUESTING THE RELEASE OF A PORTION OF THE EXTRATERITORIAL JURISDICTION OF THE CITY OF AUSTIN, TEXAS TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANOR, TEXAS; AND AUTHORIZING THE RELEASE OF A PORTION OF THE EXTRATERITORIAL JURISDICTION OF THE CITY OF MANOR, TEXAS TO THE EXTRATERITORIAL JURISDICTION OF THE CITY OF AUSTIN, TEXAS.

WHEREAS, the Cities of Austin, Texas and Manor, Texas are located within Travis County Texas and are adjacent or otherwise share certain common boundaries of extraterritorial jurisdiction and corporate limits; and

WHEREAS, a tract of land consisting of approximately 147.935 acres is located within the extraterritorial jurisdictions of both the City of Austin, Texas and the City of Manor, Texas as more particularly depicted and described on Exhibit "A" attached hereto (the "**Property**"); and

WHEREAS, the owner of the Property desires to have the portion of the Property consisting of approximately 83.801 acres more particularly described on Exhibit "A" attached hereto (the "**Austin ETJ Tract**") be released from the City of Austin, Texas' extraterritorial jurisdiction and become a part of the extraterritorial jurisdiction of the City of Manor, Texas (the "**City**") in order to develop the Property as a whole under the rules and regulations of the City; and

WHEREAS, the owner of the Property desires to have the portion of the Property consisting of approximately 64.134 acres more particularly described on Exhibit "A" attached hereto (the "**Manor ETJ Tract**") be released from the City of Austin, Texas' extraterritorial jurisdiction and become a part of the extraterritorial jurisdiction of the City of Austin, Texas (the "**COA**") in order to develop the Property as a whole under the rules and regulations of the COA; and

WHEREAS, a release of Austin ETJ Tract from the COA and a release of the Manor ETJ Tract from the City are necessary in order to develop the Property; and

WHEREAS, the City Council of the City of Manor, Texas (the "**City Council**") has determined that it is in the best interest of the City to have an orderly development of the Property by requesting the release of the Austin ETJ Tract from the COA; authorizing the release of the Manor ETJ tract; adjust the extraterritorial jurisdiction of the City so that the Austin ETJ Tract becomes a part of the extraterritorial jurisdiction of the City; and adjust the extraterritorial jurisdiction of the City so that the Manor ETJ Tract becomes a part of the extraterritorial jurisdiction of the COA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANOR, THAT:

SECTION 1. The City Council hereby approves the recitals contained in the preamble of this Resolution and finds that all the recitals are true and correct and incorporate the same in the body of this Resolution as findings of fact.

SECTION 2. The City Council hereby directs the City Manager of the City to request the release of the Austin ETJ Tract from the City of Austin, Texas and adjust the extraterritorial jurisdiction of the City so that the Austin ETJ Tract becomes a part of the extraterritorial jurisdiction and corporate limits of the City of Manor, Texas.

SECTION 3. The City Council hereby further directs the City Manager of the City to release the Manor ETJ Tract from the City of Manor, Texas and adjust the extraterritorial jurisdiction of the City so that the Manor ETJ Tract becomes a part of the extraterritorial jurisdiction and corporate limits of the City of Austin, Texas.

SECTION 4. If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

PASSED AND ADOPTED by the City Council of Manor, Texas, at a regular meeting on the 20th day of December 2023, at which a quorum was present, and for which due notice was given pursuant to Government Code, Chapter 551.

THE CITY OF MANOR, TEXAS



Dr. Christopher Harvey, Mayor

ATTEST:



Lluvia T. Almaraz, City Secretary
City of Manor, Texas



Exhibit “A”

[see attached]

EXHIBIT A

BEING a portion of a called 83.801 Acre (3,655,514 square feet) tract of land situated in the James Manor Survey, Abstract Number 1280, Travis County, Texas; being a portion of a tract of land described in Special Warranty Deed to Carol Anne Schryver, Trustee of the Ronald Bloom and Carol Anne Schryver Living Trust Tract 2, recorded in Instrument Number 2014012701, Official Public Records, Travis County, Texas (O.P.R.T.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found for the northwest corner of that tract of land conveyed to Heart of Manor L.P., by deed recorded in Instrument No. 200737703, O.P.R.T.C.T., same being the southwest corner of said Schryver Living Trust, Tract 2, and also being in the easterly line of Blue Bluff Road (a variable width public right-of-way, Volume 4871, Page 1883, along with a right-of-way dedication recorded in Instrument No. 2002017243, O.P.R.T.C.T.);

THENCE North 23 degrees 41 minutes 58 seconds East, along the easterly right-of-way line of said Blue Bluff Road, a distance of 969.86 feet to a point for corner, from which a 5/8 inch iron rod found for reference bears North 23 degrees 41 minutes 58 seconds East, a distance of 207.17 feet, and being the beginning of a non-tangent curve to the left, having a radius of 6169.06 feet, a central angle of 16 degrees 16 minutes 41 seconds, and a chord bearing and distance of South 28 degrees 55 minutes 47 seconds East, 1746.79 feet;

THENCE, departing the easterly right-of-way line of said Blue Bluff Road, over and across said Schryver Living Trust, Tract 2, with said curve to the left, an arc distance of 1752.68 feet to a point for corner, being on the northeast line of said Heart of Manor L.P. tract;

THENCE North 62 degrees 34 minutes 31 seconds West, along the northeast line of said Heart of Manor L.P. tract, a distance of 1391.16 feet to the **POINT OF BEGINNING**, and containing 600,753 square feet or 13.791 acres of land.

This document was prepared under 22 Texas Administrative Code §138.95, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

This metes and bounds description is accompanied by an exhibit of even date.

David A. Minton
Date: 8/28/23

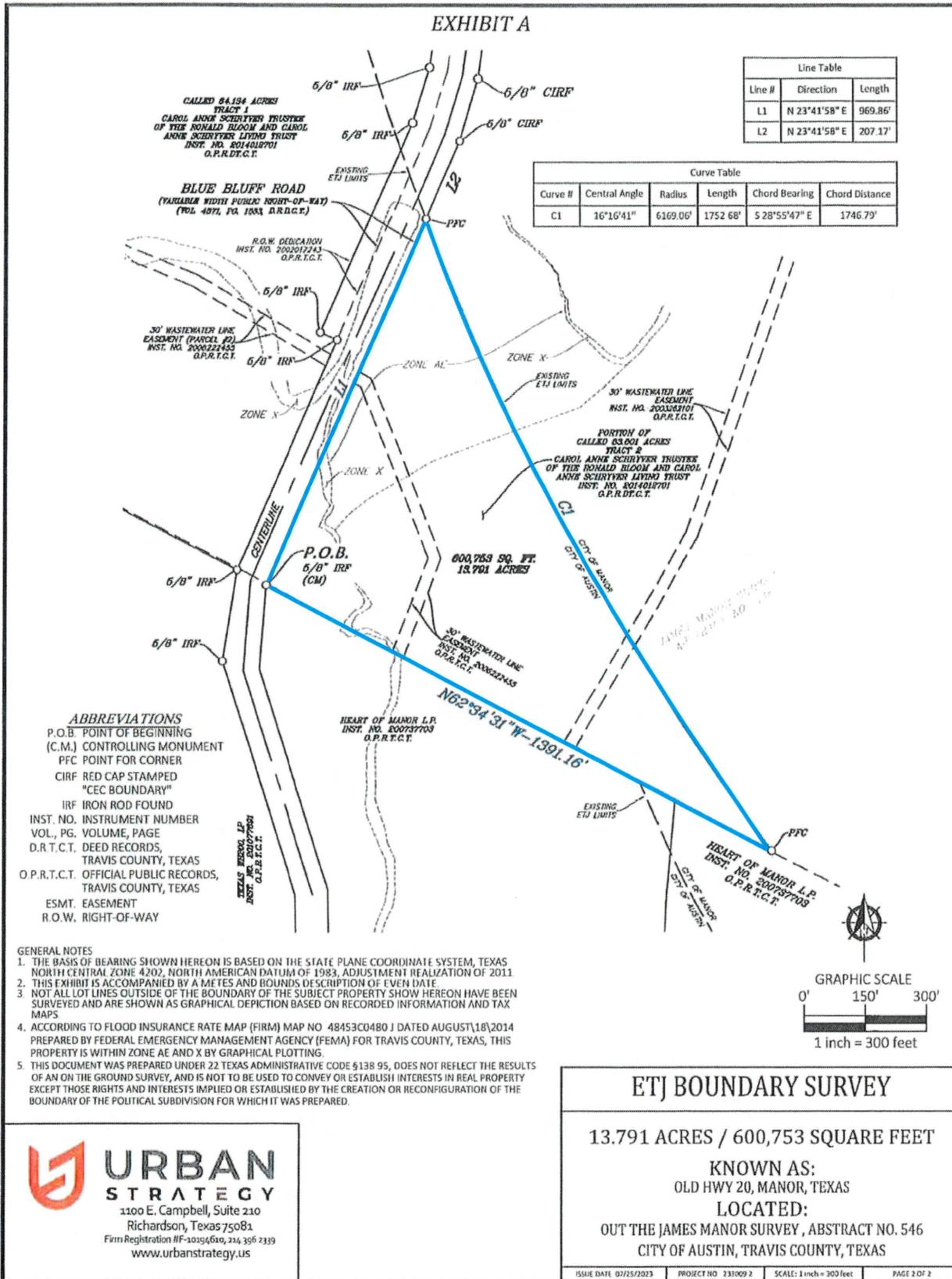
David A. Minton
Registered Professional Land Surveyor
Texas Registration No. 6233
Urban Strategy
TBPLS Firm No. 10194610



ETJ BOUNDARY SURVEY

13.791 ACRES / 600,753 SQUARE FEET
KNOWN AS:
OLD HWY 20, MANOR, TEXAS
LOCATED:
OUT THE JAMES MANOR SURVEY, ABSTRACT NO. 546
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

LAST MODIFIED ON: 8/25/2023 2:34 PM
PLOTTED ON: 8/28/2023 8:08 AM



LAST MODIFIED ON: 8/28/2023 8:51 AM
 PLOTTED ON: 8/28/2023 9:21 AM

EXHIBIT B

BEING a portion of a 64.134 Acre (2,793,680 square feet) tract of land situated in the James Manor Survey, Abstract Number 1280, Travis County, Texas; said 64.134 acre tract being a portion of that certain tract of land described in Special Warranty Deed to Carol Anne Schryver, Trustee of the Ronald Bloom and Carol Anne Schryver Living Trust, Tract 1, recorded in Instrument Number 2014012701, Official Public Records, Travis County, Texas (O.P.R.T.C.T.), and being a portion of Blue Bluff Road, (a variable width public right-of-way, Volume 4871, Page 1883, along with a portion of a Right-of-Way (R.O.W.) dedication recorded in Instrument No. 2002017243, O.P.R.T.C.T.); and being more particularly described as follows:

BEGINNING at an 5/8 inch iron rod with red plastic cap stamped 'CEC Boundary' found for the northwest corner of an 83.801 acre tract of land described to said Carol Anne Schryver and Ronald Bloom Living Trust, Tract 2, and being at the intersection of the southerly right-of-way line of the Texas & New Orleans Railroad, (formerly known as Houston & Texas Central Railway), as recorded in Volume U, Page 452, Deed Records, Travis County, Texas (D.R.T.C.T.), and the easterly right-of-way line of said Blue Bluff Road;

THENCE with the said easterly right-of-way line of Blue Bluff Road, the following bearings and distances:

South 07 degrees 46 minutes 57seconds West, a distance of 601.24 feet to a 5/8 inch iron rod found for corner;

South 16 degrees 50 minutes 57seconds West, a distance of 159.12 feet to a 5/8 inch iron rod found for corner;

South 23 degrees 41 minutes 58seconds West, a distance of 207.17 feet to a point for corner, at the beginning of a non-tangent curve to the right, having a radius of 5,877.55 feet, a central angle of 10 degrees 24 minutes 38 seconds, and a chord bearing and distance of North 15 degrees 44 minutes 58 seconds West, 1,066.47 feet;

THENCE, departing the easterly R.O.W. line of said Blue Bluff Road, over and across said Schryver Living Trust, Tract 1, and said Blue Bluff Road the following bearings and distances:

With said curve to the right, an arc distance of 1,067.94 feet to a point for corner in the southerly R.O.W. line of said Texas & New Orleans Railroad, being the beginning of a non-tangent curve to the right, having a radius of 1,661.85 feet, a central angle of 01 degrees 46 minutes 30 seconds, and a chord bearing and distance of South 80 degrees 29 minutes 31 seconds East, 51.49 feet;

THENCE with the southerly right-of-way line of said Texas & New Orleans Railroad, the following courses:

With said curve to the right, an arc distance of 51.49 feet to a 5/8 inch iron rod found for corner;

South 79 degrees 52 minutes 43 seconds East, passing a 5/8 inch iron rod with cap stamped Stamped "CEC Boundary" found for reference for the northeast corner of said Schryver Living Trust, Tract 1, at a distance of 378.12 feet, and continuing a total distance of 456.61 feet to the **POINT OF BEGINNING** and containing 287,866 Square Feet, or 6.609 acres of land, more or less.

This document was prepared under 22 Texas Administrative Code §138.95, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

This metes and bounds description is accompanied by an exhibit of even date.

David A. Minton
Date 8/28/23

David A. Minton
Registered Professional Land Surveyor
Texas Registration No. 6233
Urban Strategy
TBPLS Firm No. 10194610



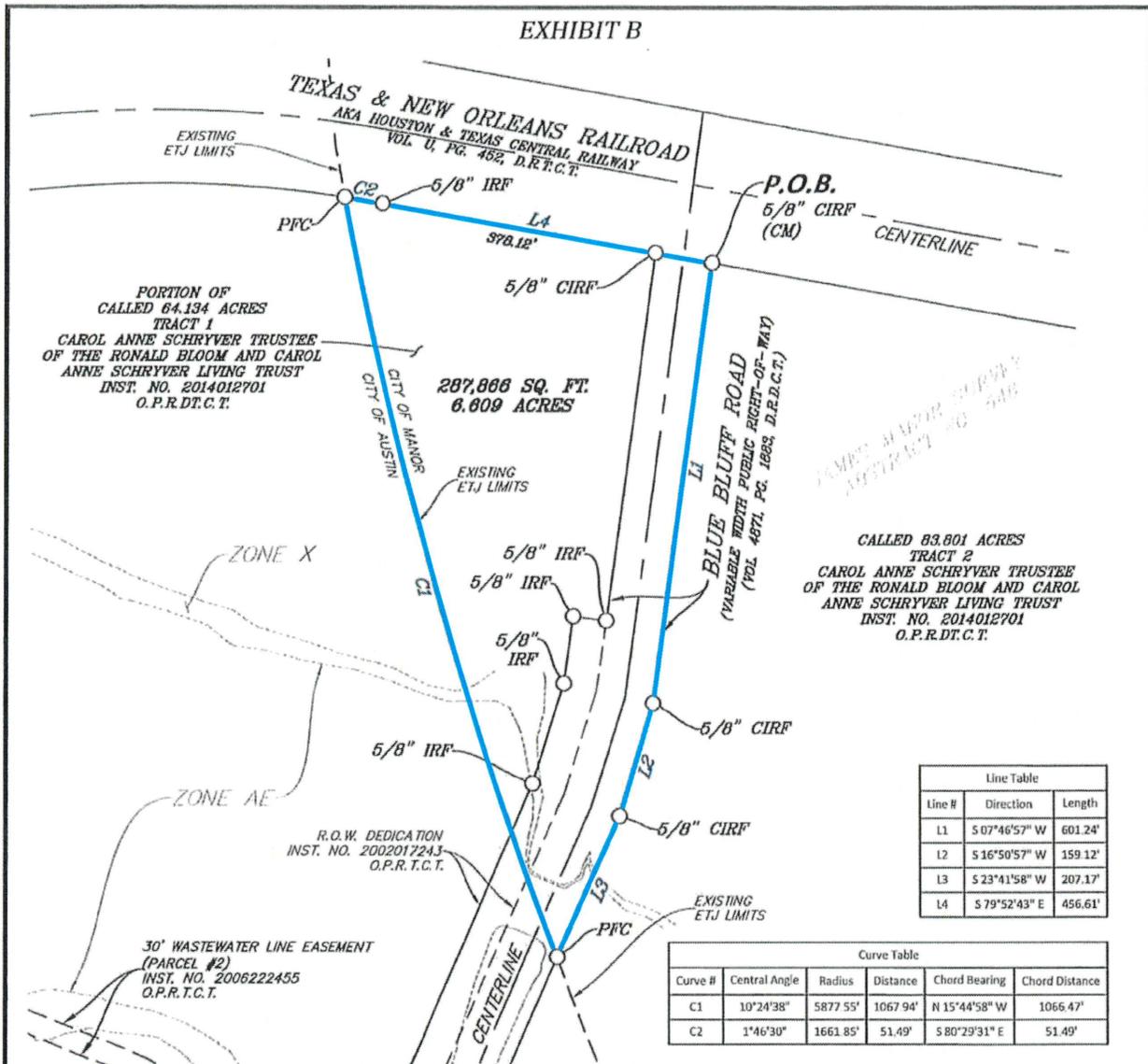
ETJ BOUNDARY EXHIBIT

6.609 ACRES / 287,866 SQUARE FEET

KNOWN AS:
OLD HWY 20, MANOR, TEXAS

LOCATED:
OUT THE JAMES MANOR SURVEY, ABSTRACT NO. 2
CITY OF MANOR, TRAVIS COUNTY, TEXAS

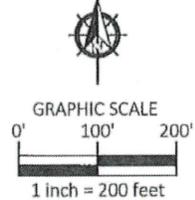
LAST MODIFIED ON: 8/28/2023 8:02 AM
PLOTTED ON: 8/28/2023 8:37 AM



Line Table		
Line #	Direction	Length
L1	S 07°46'57\" W	601.24'
L2	S 16°50'57\" W	159.12'
L3	S 23°41'58\" W	207.17'
L4	S 79°52'43\" E	456.61'

Curve Table					
Curve #	Central Angle	Radius	Distance	Chord Bearing	Chord Distance
C1	10°24'38\"	5877.55'	1067.94'	N 15°44'58\" W	1066.47'
C2	1°46'30\"	1661.85'	51.49'	S 80°29'31\" E	51.49'

- GENERAL NOTES**
1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.
 2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.
 3. NOT ALL LOT LINES OUTSIDE OF THE BOUNDARY OF THE SUBJECT PROPERTY SHOWN HEREON HAVE BEEN SURVEYED AND ARE SHOWN AS GRAPHICAL DEPICTION BASED ON RECORDED INFORMATION AND TAX MAPS.
 4. ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO 48453C0480 J DATED AUGUST 18, 2014 PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TRAVIS COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE AE AND X BY GRAPHICAL PLOTTING.
 5. THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.



- ABBREVIATIONS**
- P.O.B. POINT OF BEGINNING
 - (C.M.) CONTROLLING MONUMENT
 - PFC POINT FOR CORNER
 - CIRF RED CAP STAMPED "CEC BOUNDARY"
 - IRF IRON ROD FOUND
 - INST. NO. INSTRUMENT NUMBER
 - VOL., PG. VOLUME, PAGE
 - D.R.T.C.T. DEED RECORDS, TRAVIS COUNTY, TEXAS
 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
 - ESMT. EASEMENT
 - R.O.W. RIGHT-OF-WAY

ETJ BOUNDARY EXHIBIT

6.609 ACRES / 287,866 SQUARE FEET

KNOWN AS:
OLD HWY 20, MANOR, TEXAS

LOCATED:
OUT THE JAMES MANOR SURVEY, ABSTRACT NO. 2
CITY OF MANOR, TRAVIS COUNTY, TEXAS

ISSUE DATE: 08/07/2023 PROJECT NO: 2330092 SCALE: 1 inch = 200 feet PAGE 2 OF 2

URBAN STRATEGY
1100 E. Campbell, Suite 210
Richardson, Texas 75081
Firm Registration #F-10194610, 214, 396 2339
www.urbanstrategy.us

LAST MODIFIED ON: 8/28/2023 8:50 AM
PLOTTED ON: 8/28/2023 9:19 AM

HUSCH BLACKWELL

Nikelle Meade
Partner

111 Congress Avenue, Suite 1400
Austin, Texas 78701
Direct: 512-479-1147
nikelle.meade@huschblackwell.com

November 5, 2024

City of Austin Planning Department
Attn. Sara Groff, Principal Planner
6310 Wilhelmina Delco Drive
Austin, TX 78752

Re: Confirmation of Conservation Easement Dedication; Blue Bluff ETJ Release and Acquisition

Dear Sara:

In connection with the ETJ transfer request submitted by PlaceMkr Old Highway 20, LLC (“PlaceMkr”) to the City of Austin, and per the request from Leslie Lilly that we agree to encumber the floodplain on the property that City of Austin will transfer away, PlaceMkr has signed and will record the attached Conservation Easement upon approval of City of Austin of the ETJ Transfer.

Please let me know if you have any questions.

Sincerely,



Nikelle Meade

cc: Joe Castillo, PlaceMkr

Enclosures: Conservation Easement

with any applicable restrictive covenants, lighting, drainage facilities or other appurtenances relating thereto, across the Easement Property at such locations as Grantee may designate as necessary or convenient to serve the Remainder Tract's development. Further, Grantor may grant other easements within the Easement Property to utility providers and others for the purpose of providing access and services to the Remainder Tract's development project; provided, however, Grantor agrees to notify Grantee in writing at least 30 calendar days prior to exercising any such rights relating to the construction, installation or replacement of any such permitted improvements within the Easement Property. The Grantee's easement rights provided for in the preceding paragraph within the Easement Property are expressly subject to the retained rights of Grantor as set forth in this paragraph and Grantee may not damage or obstruct any such driveways, utility connections or other permitted improvements that Grantor may place within the Easement Property.

This conveyance is made subject to any and all restrictions, covenants, easements, rights-of-way, encumbrances, mineral or royalty reservations or interests or other matters affecting the Easement Property and appearing of record in the Official Public Records of Travis County, Texas, to the extent that the same are in effect and validly enforceable against the Easement Property (the "Permitted Encumbrances"). Any mortgage or security interest hereafter encumbering the Easement Property shall be and at all times remain subordinate to the Easement.

TO HAVE AND TO HOLD, subject to the matters set forth herein, the Easement, together with, all and singular, the rights and appurtenances thereto in any wise belonging, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself and its successors and assigns to WARRANT and FOREVER DEFEND, all and singular, the Easement and right-of-way and other rights described herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, subject only to the Permitted Encumbrances.

The covenants and agreements contained herein shall run with the land and shall inure to the benefit of and shall be binding upon Grantor and Grantee and their respective successors, and assigns. It is agreed and acknowledged that Grantee will not assign its rights, title and interest to this Easement to any third party unless such third party is an eligible donee within the meaning of section 170(h) of the Internal Revenue Code and the applicable Treasury Regulations promulgated thereunder and such eligible donee agrees in writing to carry out all of the obligations and specified Conservation Purposes of the Easement as a condition of such assignment. No such assignment shall require consent of the Grantor. It is further agreed and acknowledged that, prior to the transfer of any interest in the Easement Property by Grantor, Grantor shall provide notice to Grantee and shall authorize Grantee to contact any third party to whom any interest in the Easement Property may be transferred to discuss this Easement or the Conservation Purposes.

Neither party's failure to insist on strict performance in any part of this Easement shall be construed as a waiver of the performance in any other instance.

This instrument may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute one instrument.

Grantee's address is 105 E. Eggleston Street, Manor, Travis County, Texas 78653.

When the context requires, singular nouns and pronouns include the plural.

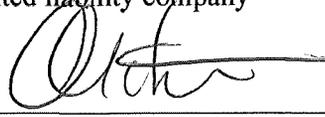
[signature pages follow]

EXECUTED this the 15th day of October, 2024.

GRANTOR:

PLACEMKR OLD HIGHWAY 20, LLC,
a Texas limited liability company

By:


Christopher Cortese, Manager

ACKNOWLEDGMENT

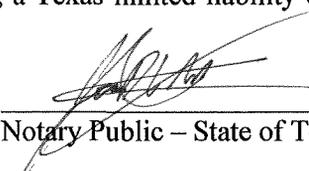
STATE OF TEXAS

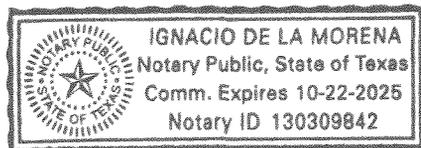
ss.

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 15th of October, 2024, by Christopher Cortese, Manager of PlaceMKR Old Highway 20, LLC, a Texas limited liability company, on behalf of said limited liability company.

(Seal)


Notary Public – State of Texas



AGREED TO AND ACCEPTED this _____ day of _____, 2024, by Grantee.

GRANTEE:

CITY OF MANOR, a Texas home-rule municipality

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS

ss.

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, as _____ of _____, a _____ and acknowledged to me that she/he executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said entity.

Given under my hand and seal of office this the _____ day of _____, 2024.

Notary Public in and for the State of Texas

Attachments:

Exhibit A - Easement Property

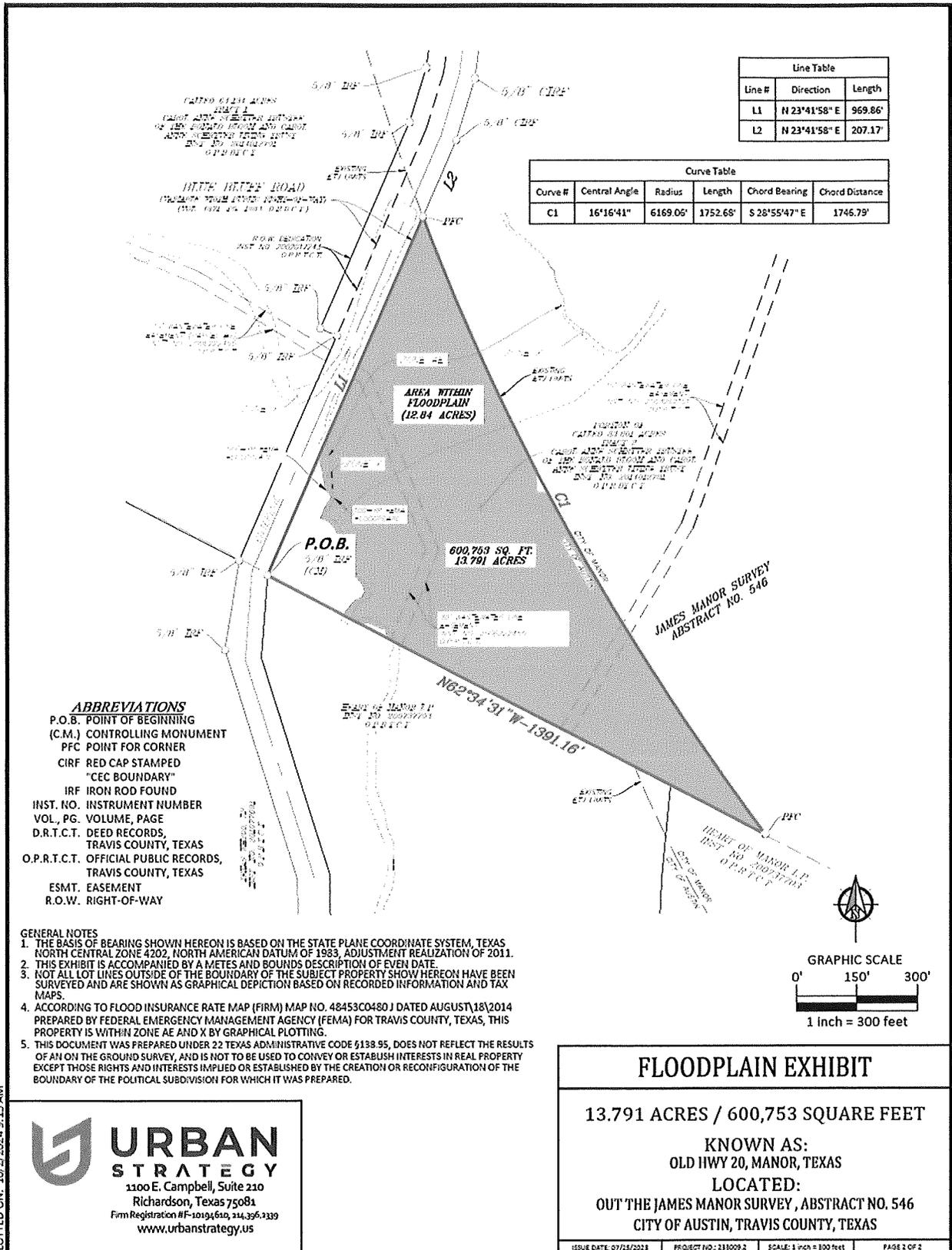
AFTER RECORDING, PLEASE RETURN TO:

City of Manor
105 E. Eggleston Street
Manor, Texas 78653
Attn: City Secretary

Exhibit A

Description of Easement Property

[See attached document.]



Line Table		
Line #	Direction	Length
L1	N 23°41'58" E	969.86'
L2	N 23°41'58" E	207.17'

Curve Table					
Curve #	Central Angle	Radius	Length	Chord Bearing	Chord Distance
C1	16°16'41"	6169.06'	1752.68'	S 28°55'47" E	1746.79'

- ABBREVIATIONS**
- P.O.B. POINT OF BEGINNING
 - (C.M.) CONTROLLING MONUMENT
 - P.F.C. POINT FOR CORNER
 - CIRF RED CAP STAMPED "CEC BOUNDARY"
 - IRF IRON ROD FOUND
 - INST. NO. INSTRUMENT NUMBER
 - VOL., PG. VOLUME, PAGE
 - D.R.T.C.T. DEED RECORDS, TRAVIS COUNTY, TEXAS
 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
 - ESMT. EASEMENT
 - R.O.W. RIGHT-OF-WAY

- GENERAL NOTES**
1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.
 2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.
 3. NOT ALL LOT LINES OUTSIDE OF THE BOUNDARY OF THE SUBJECT PROPERTY SHOW HEREON HAVE BEEN SURVEYED AND ARE SHOWN AS GRAPHICAL DEPICTION BASED ON RECORDED INFORMATION AND TAX MAPS.
 4. ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48453C0480 J DATED AUGUST 18, 2014 PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TRAVIS COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE AE AND X BY GRAPHICAL PLOTTING.
 5. THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF A H ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

URBAN STRATEGY
1100 E. Campbell, Suite 210
Richardson, Texas 75081
Firm Registration #F-101094610, 214.336.2339
www.urbanstrategy.us

FLOODPLAIN EXHIBIT

13.791 ACRES / 600,753 SQUARE FEET

KNOWN AS:
OLD HWY 20, MANOR, TEXAS

LOCATED:
OUT THE JAMES MANOR SURVEY, ABSTRACT NO. 546
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

ISSUE DATE: 07/25/2023 PROJECT NO.: 231009.2 SCALE: 1 inch = 300 feet PAGE 2 OF 2

LAST MODIFIED ON: 8/28/2023 2:21 PM
PLOTTED ON: 10/2/2024 9:13 AM

Checklist for ETJ release review: CETJ-2023-0001 Blue Bluff ETJ Swap with City of Manor.

Property Description: The subject tracts are located on Blue Bluff Road at the intersection of Blue Bluff Road and Old HWY 20.		
Annexation Potential:		
<input type="checkbox"/> Does the area have the potential to be annexed by the City of Austin in the long-term?	Yes	No
<input type="checkbox"/> Does this request demonstrate that the requesting jurisdiction is in a superior position to serve the property with similar levels of service <i>and</i> will annex the area upon release or include the area in an annexation plan?	Yes	No
<input type="checkbox"/> Would the proposed release negatively impact the city's long term annexation plans?	Yes	No
Staff comments: Austin has no potential to annex the area that will be transferred to the City of Manor.		
Environmental Impact:		
<input type="checkbox"/> Does this request clearly demonstrate that the requesting jurisdiction will provide similar or superior regulatory and/or watershed protections afforded through the development process?	Yes	No
<input type="checkbox"/> Does this request clearly demonstrate similar or superior regulatory and/or watershed protections applied to the area through conservation easements, transfer of development rights, or other private mechanisms prior to release, provided that the use of such controls is agreeable to each party?	Yes	No
Staff comments: Generally, the Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. The landowner has agreed to conservation easement on the sensitive environmental area being released from Austin's ETJ per Watershed Protection's request. Watershed Protection has reviewed the submitted documents and has no cause for concern with the request.		
Infrastructure investment:		
<input type="checkbox"/> Would release of this ETJ negatively impact the city's investment in any existing or planned water and wastewater utility infrastructure?	Yes	No
<input type="checkbox"/> Would release of this ETJ negatively impact the city's investment in any existing or planned roadway infrastructure?	Yes	No
Staff comments: From a utility perspective, Austin Water has no concerns with this release. Austin Water is in the process of working with City of Manor and the PUC on a Water/Wastewater CCN transfer to align both City's Water and Wastewater CCN boundaries along Blue Bluff Road to match what will be the new ETJ boundaries. Austin Water supports the ETJ swap. Releasing this area would not negatively impact any existing or planned City investments in roadway infrastructure.		
Growth and Planning Impacts of cumulative ETJ releases:		

<input type="checkbox"/> Is the requesting jurisdiction in compliance with all agreements and contracts with the City of Austin?	Yes	No
<input type="checkbox"/> Have previous releases to this jurisdiction ensured that the release of ETJ has not created a competitive disadvantage for similar development within Austin's nearby jurisdiction?	Yes	No
<input type="checkbox"/> In a high growth area or the desired development zone, have previous releases ensured Austin's ability to maintain and expand its ETJ?	Yes	No
<input type="checkbox"/> In areas previously released to this jurisdiction and in keeping with Austin's goal of protecting water quality, has development occurred in accordance with terms and conditions that minimize the risk of pollution of the region's water resources?	Yes	No
<input type="checkbox"/> Do opportunities exist for exchange of ETJ in conjunction with the requested release?	Yes	No
<input type="checkbox"/> If exchange is proposed, does the result achieve more logical boundaries?	Yes	No
Staff comments: This ETJ exchange will create more logical boundaries by moving COA ETJ property to one side of Blue Bluff Road and Manor ETJ property to the other side. Blue Bluff road will now become the dividing line between the two ETJs.		
Hardship or extenuating circumstances:		
<input type="checkbox"/> Is there a claimed hardship?	Yes	No
<input type="checkbox"/> If a hardship is claimed, does this request relieve a hardship condition?	Yes	No
<input type="checkbox"/> Are there special or unique circumstances for this request?	Yes	No
<input type="checkbox"/> Does the request clearly demonstrate justification for the release?	Yes	No
Staff comments: The property owners' representative claims that a hardship exists for this property due to the jurisdictional split between Austin and Manor's ETJ. It is apparent that swapping the ETJ properties in this case would streamline regulations for the property while observing comparable environmental standards for site development.		

City of Austin
 Policy for Extraterritorial Jurisdiction (ETJ) Adjustments
 10/02/07

Purpose

The extraterritorial jurisdiction (ETJ) is the unincorporated land within five miles of Austin's full purpose city limit that is not within the city limits or ETJ of another city. It is the territory where Austin alone is authorized to annex land. The ETJ represents a city's potential growth boundary, both with respect to its future tax base and municipal service area. The ETJ further ensures a city's ability to capture its fair share of regional growth.

The ETJ also enables the City to extend regulations to adjacent land where development can affect quality of life within the city. ETJ regulations help to ensure that subdivisions that may be annexed by Austin in the future meet minimum standards for road access, water quality, and other factors.

It is for all of these purposes that the ETJ should be valued and promoted as a general public resource. However, there may be times when two cities mutually agree to an adjustment of ETJ boundaries to achieve more logical boundaries. The release of ETJ is a discretionary act on the part of cities. Before

granting the request for an adjustment or release, the City of Austin seeks to ensure that the release will not negatively impact Austin's interests. Although the City of Austin has not acquired any substantive area through mutual transfer of ETJ, exchanges of ETJ are more likely to receive positive recommendations than requests for unilateral releases.

Requests for release of ETJ should establish a clear justification for release by meeting the standards that would help identify critical issues and potential negative impacts associated with a release.

This ETJ release policy is intended to:

- encourage orderly development
- protect the City's future tax base
- curtail the amount of jurisdiction that is being yielded annually
- create equity between competing jurisdictions, and
- provide a mechanism for assessing the appropriateness of future requests.

Adoption of the ETJ release policy would standardize the release process by providing a mechanism for measuring a request based on its individual merit. Standardization should make the release process more equitable for all jurisdictions and effectively reduce the amount of ETJ that is voluntarily released annually. The adoption of this policy is not intended to limit the authority of the City Council to consider or approve any particular release or exchange of ETJ.

Guiding Principles

1. The City of Austin should have no long-term annexation potential. The requesting jurisdiction should be in a better position than the City of Austin to annex and serve the property in the short term.
2. The release should serve the general public interest and convey benefits to all parties, either through the extension of services, enhanced environmental protection, or through mutual exchange of ETJ.
3. Development in the release area should be subject to equal or better water quality regulations than those in place at the time of release.
4. The release should not create a competitive disadvantage for similar development situated nearby within Austin's jurisdiction.
5. Requesting jurisdiction should be in compliance with all agreements regarding previous ETJ releases.

Background

Extraterritorial jurisdiction releases by the City of Austin have been voluntarily granted in the overall interest of promoting regional cooperation with its neighboring jurisdictions. It has been the City's policy to negotiate the terms for ETJ releases based on an ability to serve and to share in regional growth. The City has also been the target of legislation mandating the release of ETJ.

In the past, the process for evaluating requests included some regulatory comparisons, but most releases were negotiated on an ad hoc basis. Many of those negotiations were based on verbal agreements between elected officials.

This policy is intended to provide city staff with guidance for the evaluation of ETJ release requests and to standardize the ETJ release process. The process for releasing ETJ should be governed by an adopted policy and in accordance with Chapters 42 and 242 of the Texas Local Government Code. Future releases should be evaluated in accordance with the objective criteria in this policy that measure annexation potential and compare both service delivery and regulatory controls. Areas that do not meet

these standards should not be considered unless there is a clearly demonstrated hardship or extenuating circumstance that would justify the action.

Process

All requests for release should be forwarded by the governing body of a jurisdiction to the Mayor of the City of Austin with copies to the City Manager and appropriate Neighborhood Planning and Zoning Department planning staff. The request should include:

- a detailed justification for the request,
- an identifiable description of the tract including a map and field note description of the area,
- a statement regarding enforcement of environmental regulations upon release,
- information regarding pending permits on the exchange property,
- a support letter from the owners of the property proposed for exchange or release, and
- any other support documentation necessary to make an assessment.

A contact person should be stipulated in the letter of request if more information is necessary.

The request would then be circulated to applicable departments for review and comment (Austin Water Utility, Watershed Protection, and other reviews as appropriate) and evaluated using the criteria described below. A staff recommendation for requests that may qualify for release would then be forwarded to the environmental board, planning commission, or other boards and commissions as appropriate, and City Manager's Office for consideration. [NOTE: Satisfaction of the criteria in this policy does not guarantee Council consideration or release of ETJ.]

Ultimately, all ETJ adjustments must be approved by the City Council. A copy of the approved and signed resolution would then be forwarded to the contact person once it had been filed with the City Clerk's Office. If a request was denied, a letter explaining the reasons for denial would be forwarded to the mayor's office of the requesting jurisdiction with a copy to the designated contact person.

Review Criteria

Annexation potential

Determine the potential for the area to be annexed (1) by the City of Austin and (2) by the receiving city including evidence of ability to provide services in accordance with annexation statutes.

Environmental impact

(1) Assess the area in terms of its environmental sensitivity, and (2) evaluate regulations that would apply should the release be granted.

Infrastructure investment

Determine the impact of the proposed release on existing or planned investments in (1) water and wastewater utility or (2) roadway infrastructure to serve this area

Long-term effects of cumulative ETJ releases to competing jurisdictions

Assess the effects (1) of limiting the geographic expansion of Austin's regulatory authority, (2) of increasing the amount of land near Austin, but beyond Austin's jurisdiction, available for development, and (3) on potential tax revenue.

Hardship or extenuating circumstances

Determine whether the release will relieve a condition (1) that causes a unique and undue hardship on a property owner, or (2) where unusual circumstances dictate the need for a release.

1. Annexation potential - The area requested for release should be evaluated for future annexation potential by the City of Austin and the requesting jurisdiction. An essential component of determining an area's annexation potential is the future ability to provide city services. The City of Austin should reasonably be able to serve an area at some future time in order to be considered for annexation. Geographic constraints, including certain physical barriers, such as lakes, rivers or canyons, can create jurisdictional islands and make service delivery cost prohibitive. The requesting jurisdiction should be in a better position than the City of Austin to annex and serve the property in the short term or provide assurances that the area would be included within a mandated three-year annexation plan and provided levels of service as defined by the statutory requirements set forth in Chapter 43 of the Texas Local Government Code.

Evaluation measurements should reflect current statutory requirements. Criteria would include:

- Current jurisdiction. Limited purpose jurisdiction should remain under City of Austin's regulatory authority. In addition, COA ETJ that is enclosed by City Full or Limited Purpose should not be released.
- Contiguity requirements. The distance between the existing city limits and the subject property limits the potential to establish contiguity required for annexation.
- Future ability to serve. General service assumptions would be used to determine if an area could feasibly be served by the City--present or future.
- Growth and development trends. A release should not physically restrict the City's future ability to annex and serve adjacent areas with future development potential. In addition, a release should not cause the loss of contiguity to existing ETJ.
- Potential future sales and property tax base or revenue generation.

Since the Desired Development Zone (DDZ) represents the preferred growth corridor and future property tax revenue for the City, ETJ releases within the DDZ would not be considered without a demonstrated hardship to justify the request. It is assumed that the City of Austin would be in a position to serve any area within the Desired Development Zone in the future.

2. Environmental impact - The request for release should be evaluated in terms of the potential impact on water quality and designated habitat. This would include a comparison of habitat management practices, watershed regulations, and any environmental regulations imposed by overlapping jurisdictions, including federal, state, special districts, or county controls, that would be applied prior to and subsequently after an area was released.

Measurable criteria would include:

- Identification of applicable COA "development zone".
- Comparison of all watershed regulations, non-point source pollution control ordinances or water quality controls that would apply before and after release.
- Comparison of development standards as it relates to impervious cover, density, and waterway and critical environmental feature set back requirements.
- Proposed wastewater treatment method and applicable treatment standards.
- Determination of habitat designation and if applicable the management practices of the responsible entity.

Release requests for the purpose of creating areas of "regulatory safe havens" typically do not serve the overall public interest and should not be considered. Development allowed under less restrictive controls often gains a competitive market advantage. To mitigate this effect, a release should be made contingent on encumbering the property with public or private controls that would mirror regulations in place prior to the release. These controls may include adoption of COA land development regulations by the requesting jurisdiction, imposition of private deed restrictions to the property that would apply COA impervious cover limitations, filtration standards, and set back requirements, or enforcement of LCRA non-point source pollution controls through an interlocal agreement.

3. Infrastructure investment – The request for release should be evaluated in terms of existing and planned investments by the City in utility and roadway infrastructure, including right of way that has been dedicated to or purchased by the City to serve the area. An area should not be released if the release would reduce the city's ability to recoup the costs of the investments in the area. Further, the potential impact of the proposed release on the Austin Water Utility's service area should be considered prior to release.

4. Long-term effects of cumulative ETJ releases to competing jurisdictions – Over time, the effect of releasing ETJ has resulted in the substantial loss of Austin's ETJ to neighboring jurisdictions. ETJ releases may contribute to the accelerated development of the outlying rural areas and facilitate the rapid expansion of the suburban municipalities. Potential tax base and sales tax revenue have been lost as a result. Requests for the release of Austin's ETJ should include an historical account of any territory acquired by the municipality from the City of Austin.

Releases should be evaluated according to the frequency and cumulative total of area the City has rendered to a requesting jurisdiction. This is particularly critical in areas of high growth potential or where environmental protections have been compromised as a result of previous releases.

5. Hardship or extenuating circumstances – There are situations where an ETJ release relieves a hardship condition or where a unique circumstance warrants a release. Where these situations exist, the standard criteria also apply. The creation of a regulatory safe haven will not be considered as a hardship condition. It should be incumbent on the jurisdiction requesting the release to adequately demonstrate the need for consideration as a hardship or a compelling or unusual circumstance. As a general rule, hardships should apply to a single ownership tract of land that is typically less than five acres.