

AGENDA



Thursday, July 27, 2006

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Neighborhood Planning & Zoning RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 19

Subject: Approve termination of the Agreement between the City of Austin and the City of Taylor regarding their respective extraterritorial jurisdictions, dated July 10, 1985, limiting annexation by either city into then-disputed territory.

Additional Backup Material

(click to open)

-  [1985 Resolution
between COA and Taylor](#)
-  [Agreement between
COA and Taylor](#)
-  [Agreement Area](#)
-  [City of Taylor
Resolution](#)

For More Information: Virginia Collier, 974-2022; Sylvia Arzola, 974-6448

The City of Taylor is considering expanding their ETJ to include property located within an area that was once the subject of a dispute between the City of Austin and the City of Taylor.

In 1985 the two cities negotiated an agreement regarding their respective ETJs and Austin agreed to not annex any additional land that would extend its ETJ into the "Negotiated ETJ with Taylor" and Taylor agreed not to take any action that would extend its ETJ beyond the "Negotiated ETJ with Taylor." Due to a 1987 disannexation of the strip annexations that originally extended the Austin ETJ, this agreement no longer has any effect on the City of Austin.

The Taylor City Council approved a resolution at their May 23, 2006 meeting requesting that the Austin City Council rescind the 1985 agreement allowing Taylor to extend its ETJ to include certain property that is currently approximately nine miles from the Austin city limit.

Staff recommends this termination of the 1985 agreement, which will allow Taylor to expand its ETJ into the negotiated ETJ area.

R E S O L U T I O N

WHEREAS, the City of Austin is currently involved in a dispute with the City of Taylor regarding the City's annexation policies and the extraterritorial jurisdiction boundary between the two cities; and,

WHEREAS, the two cities have entered into negotiations in an effort to resolve this dispute; and,

WHEREAS, these negotiations resulted in a draft agreement, which the City Council approved by Resolution on June 20, 1985; and,

WHEREAS, further negotiations have resulted in a revised agreement, which is attached hereto and made a part hereof as Exhibit "A"; and,

WHEREAS, the City Council finds that the "Agreement Between the City of Austin and the City of Taylor Regarding their Respective Extraterritorial Jurisdictions", Exhibit "A" hereto, is acceptable and that the approval of this agreement is in the best interest of the two cities and the persons residing in any disputed territory and is not injurious to the interests of the City of Austin: NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council hereby authorizes the City Manager to enter into the "Agreement Between the City of Austin and the City of Taylor Regarding their Respective Extraterritorial Jurisdictions", said agreement being attached hereto and made a part hereof as Exhibit "A"; provided, however, that the consent hereby granted shall become effective only upon the adoption of an ordinance or resolution by the governing body of the City of Taylor, either before or after the date hereof, granting its consent to said agreement.

ADOPTED: June 27, 1985. ATTEST: James E. Aldridge
James E. Aldridge
City Clerk

WMC/saf

DRAFT

AGREEMENT BETWEEN THE CITY OF AUSTIN
AND THE CITY OF TAYLOR REGARDING THEIR RESPECTIVE
EXTRATERRITORIAL JURISDICTIONS

This agreement is entered into by and between the City of Austin, a Texas municipal corporation, acting by and through its City Manager or his designate, pursuant to a Resolution adopted by its City Council dated _____, and the City of Taylor, a Texas municipal corporation, acting by and through its City Manager, pursuant to a Resolution adopted by its City Commission dated _____.

WHEREAS, the City of Austin has exercised its annexation authority in its Annexation Case No. C7a-85-017; and,

WHEREAS, the City of Taylor has received petitions from various landowners requesting that Taylor extend its extraterritorial jurisdiction to include their properties; and,

WHEREAS, these actions could lead to a dispute between Austin and Taylor regarding the exercise of extraterritorial controls in a substantial territory; and,

WHEREAS, the City of Austin has filed a lawsuit against the City of Taylor to protect the rights of both cities; and,

WHEREAS, the City of Austin and the City of Taylor have reached an agreement regarding the disputed territory and wish to formalize this agreement:

Now, Therefore,

The parties hereto agree as follows:

1. The City of Austin will not pass any annexation ordinance on third reading which would extend its extraterritorial

EXHIBIT "A"

jurisdiction into the area, identified as "Negotiated ETJ with Taylor" on the map attached hereto and incorporated herein as Exhibit "A".

2. The City of Taylor agrees that it will not take any action which would extend its extraterritorial jurisdiction beyond the area identified as "Negotiated ETJ with Taylor" on Exhibit "A".

3. The City of Austin agrees that it will file a motion to non-suit and take its costs in Cause No. 85-217-C, City of Austin vs. City of Taylor, in the 277th District Court of Williamson County, Texas.

ATTEST:

James E. Aldridge
City Clerk

APPROVED AS TO FORM:

City Attorney

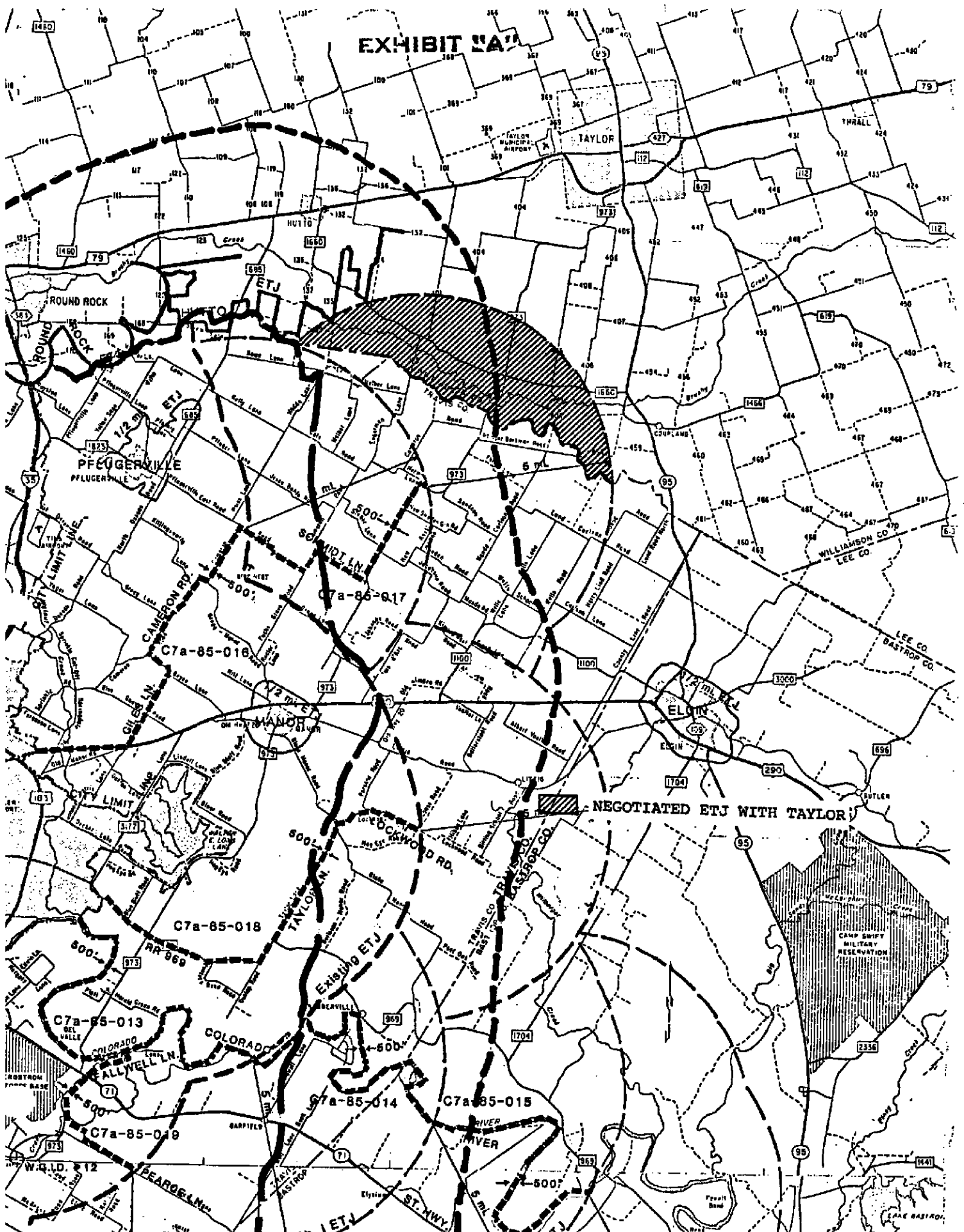
CITY OF AUSTIN

BY: _____

CITY OF TAYLOR

BY: _____

EXHIBIT "A"



**AGREEMENT BETWEEN THE CITY OF AUSTIN
AND THE CITY OF TAYLOR REGARDING THEIR RESPECTIVE
EXTRATERRITORIAL JURISDICTIONS**

This agreement is entered into by and between the City of Austin, a Texas municipal corporation, acting by and through its City Manager or his designate, pursuant to a Resolution adopted by its City Council dated June 27, 1985, and the City of Taylor, a Texas municipal corporation, acting by and through its City Manager, pursuant to a Resolution adopted by its City Commission dated June 25, 1985.

WHEREAS, the City of Austin has exercised its annexation authority in its Annexation Case No. C7a-85-017; and,

WHEREAS, the City of Taylor has received petitions from various landowners requesting that Taylor extend its extraterritorial jurisdiction to include their properties; and,

WHEREAS, these actions could lead to a dispute between Austin and Taylor regarding the exercise of extraterritorial controls in a substantial territory; and,

WHEREAS, the City of Austin has filed a lawsuit against the City of Taylor to protect the rights of both cities; and,

WHEREAS, the City of Austin and the City of Taylor have reached an agreement regarding the disputed territory and wish to formalize this agreement:

Now, Therefore,

The parties hereto agree as follows:

1. The City of Austin will not pass any annexation ordinance on third reading which would extend its extraterritorial

jurisdiction into the area, identified as "Negotiated ETJ with Taylor" on the map attached hereto and incorporated herein as Exhibit "A".


2. The City of Taylor agrees that it will not take any action which would extend its extraterritorial jurisdiction beyond the area identified as "Negotiated ETJ with Taylor" on Exhibit "A".

3. The City of Austin agrees that it will file a motion to non-suit and take its costs in Cause No. 85-217-C, City of Austin vs. City of Taylor, in the 277th District Court of Williamson County, Texas.

ATTEST:


James E. Aldridge
City Clerk

CITY OF AUSTIN

BY: 

APPROVED AS TO FORM:


City Attorney

CITY OF TAYLOR

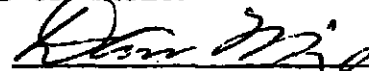
BY: 
City Manager
7-10-'85

EXHIBIT 2A



RESOLUTION R06-12

A RESOLUTION REQUESTING THAT THE CITY OF AUSTIN RESCIND AND REPEAL AN AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE CITY OF TAYLOR RELATING TO ACTIVITY IN THEIR RESPECTIVE EXTRATERRITORIAL JURISDICTIONS, AND AUTHORIZING THOSE MATTERS PROPER AND NECESSARY THERETO.

BE IT RESOLVED BY THE CITY OF TAYLOR:

WHEREAS, the City Council of the City of Taylor, Texas, approved by Resolution an agreement with the City of Austin on June 25, 1985 relating to activities in their respective extraterritorial jurisdictions; and


WHEREAS, the City Council of the City of Taylor, Texas, finds that this agreement no longer serves a valid and useful purpose; and

WHEREAS, the City of Taylor, Texas, further requests that the City of Austin rescind and repeal all portions of the June 25, 1985 resolution and agreement.


THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS:

That the City Council of the City of Taylor requests that the City Council of the City of Austin rescind and repeal any and all portions of the June 25, 1985 resolution and related agreement between the City of Taylor and the City of Austin regarding their respective extraterritorial jurisdictions.

PASSED AND APPROVED this 23rd day of May, 2006.


Donald R. Hill, Mayor
City of Taylor, Texas

ATTEST:


Susan Brock
City Clerk