

The Power of the City Limits and ETJ Authority / Development Agreements

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Some Background...

- Texas: LOW regulation; dev. friendly
- LIMITED land use regulations outside cities
- Where are we today?
- My perspective:
 - Former municipal attorney
 - Now represent the private sector

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The Struggle is Real!



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Our Road Map



- **The Power of the City Limits and ETJ Authority / Development Agreements**
 - Today:
 - Ability to regulate development and limitations
 - Issues suitable for development agreements
 - Tomorrow: Development Agreements
 - Case Law – James L. Dougherty, Jr.
 - Enforcement – Arthur J. Anderson
 - Negotiating & Enforcement – Reid Wilson / Grady Randle

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Context for Regulation *Outside Cities*

- **Authority to regulate land development in ETJ**
 - Derived from a specific legislative grant of authority
 - If no city ordinance is legislatively authorized to be extended to the ETJ, then only county regulations apply
 - County authority is similar to that of a general law city – only that which is specifically granted by the legislature

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Our Project Scenario

What does the landowner *want*?

- Control over the 500-acre ranch
- Located *just outside* of mid-sized city
- Only wants to develop *a portion* of the land
- Travel Stop (highest & best use; ROI)
- No taxes
- Economic Incentives?

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Title search: The Power of the City Limits and ETJ Authority and Development Agreements

Also available as part of the eCourse

[2023 Land Use Fundamentals eConference](#)

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