

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

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WILSON  
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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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