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## Resident of city's ETJ frustrated at options

By [David Saleh Rauf](#)

The Herald-Zeitung

Published July 10, 2007

On their half-acre of land in northwest Comal County, Lee Byrd and his family relish in the simple things provided by the peaceful country setting: riding bicycles, sitting outside talking and star gazing in evening.

Byrd, 44, purchased his property on Hoffman Lane, just west of Farm-to-Market 1102, to avoid noise from the city that he said would impede on his family's ability to enjoy the country atmosphere. That was 16 years ago, and Byrd admits that he knew the "city would one day come out my way."

That day is approaching as New Braunfels population continues to grow and officials annex more land, extending the city limits in almost all directions. In May, city leaders annexed about 1,600 acres in the southeast quadrant of the city, bordering Schertz. The city was considering annexing up to 8,000 total acres, including land in north New Braunfels.

And although Byrd's property is less than two miles outside the current city limits, he already is subject to some decisions being made by city officials that he feels could impact his family's quality of life.

The reason: His three bedroom ranch is in an area of Comal County where the city of New Braunfels has legal authority to make certain zoning and transportation decisions. That area is called the extraterritorial jurisdiction, a 3.5-mile radius

outside the city limits where New Braunfels officials review all subdivision master plans, plats and proposed roads that could run through the new developments. In March, the ETJ expanded from 2 to 3.5 miles when the city declared a population of more than 50,000.

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Even though Byrd's house is in the incorporated ETJ, he cannot vote for any member of New Braunfels city government because he does not live in the city limits.

"I have no political power," Byrd said. "I'm not against growth. I'm OK being in the ETJ, but I'm not OK not having the right to speak when the city makes decisions."

The issue, Byrd said, recently was highlighted when he found out that the proposed 40-mile outer loop could come within a stones throw of his home. In 1999, the city's thoroughfare plan addressed future road expansions and alignments with the anticipation of new growth by establishing a conceptual location for an outer loop. In 2005, the city amended the loop's route and established a more precise alignment. Now, the Texas Department of Transportation and two consulting firms have developed a New Braunfels Outer Loop Study Area based on the city's thoroughfare plan, with the hopes that new routes for the loop will be identified in time for land to be dedicated before future developers swallow it up.

"If you put a road on the thoroughfare plan, the problem for those that don't want the road is the city already has a plan," said Frank Robbins, New Braunfels director of planning and community development.

Still, Byrd feels city leaders have moved forward on the project without the insight, or concern, of those living in the expanding ETJ.

At a June 27 public meeting to discuss the proposed outer loop, Byrd raised two questions that evoked applause from the nearly 200 people in attendance at Hoffman Lane Elementary School: Why are city leaders making decisions, such as the proposed location of an outer loop, without feedback from people in the ETJ; and how can someone living in the ETJ get political representation from city leaders?

"The only way that I'm going to be able to stop the outer loop, if I wanted too, is to elect somebody who didn't want it," Byrd said. "And I can't do that."

The June 27 public meeting to discuss the outer loop was the second of its kind that week. It also marked the second time citizens publicly questioned the city's role in the project without hearing from one elected city official at either meeting. The June 25 public meeting fell on the same day as the council's bi-monthly regular meeting but no council members attended the second outer loop meeting just two days later.

Despite the lack of presence from an elected city official, Byrd's questions were quickly, and thoroughly, answered by Comal County Judge Danny Scheel, who conceded that he also owns land that was once outside the existing ETJ. Scheel advised Byrd to speak with a member of city council and voice his concerns, even though he cannot vote for any of them.

"I probably will just have to test what Judge Scheel recommended," Byrd said.

Mayor Bruce Boyer said elected city officials "try to do their best to consider everybody," including people in the ETJ. Ultimately, he said, those same people in the ETJ will someday end up being in the city limits.

"I think most of the city officials, certainly do listen to those who are outside the city limits," Boyer said. "The fact that they don't have a formal vote doesn't mean we as group aren't going to be listening to the community around us. Our job is to plan for the entire future of New Braunfels, not just the folks in the city limits."

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