

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PROPERTY OWNERS WITHSTANDING
ETJ RETRACTIONS; and THE
SCHOENSTATT MOVEMENT OF
AUSTIN,

Plaintiffs,

v.

CITY OF AUSTIN; T.C. BROADNAX, *in his
official capacity* as City Manager; and KEITH
MARS, *in his official capacity* as Director of
Development Services Department,

Defendants.

Civil Action No. 1:26-cv-01518-RP

APPENDIX IN SUPPORT OF
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

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Declaration of Alexa L. Gervasi

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PROPERTY OWNERS WITHSTANDING
ETJ RETRACTIONS; and THE
SCHOENSTATT MOVEMENT OF
AUSTIN,

Plaintiffs,

v.

CITY OF AUSTIN; T.C. BROADNAX, *in his
official capacity* as City Manager; and KEITH
MARS, *in his official capacity* as Director of
Development Services Department,

Defendants.

Civil Action No. 1:26-cv-01518-RP

DECLARATION OF ALEXA L. GERVASI

1. I, Alexa L. Gervasi, declare that the following facts are true and correct to the best of my personal knowledge. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction in the above-reference matter.

2. I am an attorney at Cobb & Gervasi, PLLC, and counsel of record for Plaintiffs in this action. I am at least 18 years old and competent to make this declaration.

3. Attached as Exhibit A is a representative sample of true and correct copies of the confirmation letters that the City of Austin sent to members of Property Owners Withstanding ETJ Retractions ("POWER"), by which the City of Austin confirmed that property owners' petitions satisfied Chapter 42 and that their properties would be released from the City's ETJ.

4. On information and belief, including my review of the City's records, the City released approximately 170 properties located within five miles of Bee Caves Armory from its ETJ through between September 2023 and early 2026.

5. Attached as Exhibit B is a representative sample of true and correct copies of the March 2026 letters that the City of Austin sent to members of POWER, by which the City purported to rescind those releases.

6. On information and belief, including my review of the City's records, the City issued materially similar letters to the owners of all 170 properties located within five miles of Bee Caves Armory that were released from the City's ETJ between September 2023 and early 2026.

7. Attached as Exhibit C is a true and correct copy of an email from the City of Austin to an affected property owner (redacted for privilege and confidentiality), confirming that no administrative appeal is available.

8. Attached as Exhibit D is a true and correct copies of a notice of violation that the City issued to a member of POWER on March 16, 2026, demanding compliance with the City's ETJ regulations under threat of civil and criminal penalties.

9. Attached as Exhibit E is a representative true and correct copy of the email the City sent to some affected property owners who questioned the City's March retraction letters (redacted by the City for confidentiality), ratifying the City's retraction policy for properties located within five miles of Bee Caves Armory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 11, 2026, in Austin, Texas.

Alexa L. Gervasi
Counsel for Plaintiffs

Exhibit A

Representative Sample of Confirmations of Release



November 21, 2025

Dear David Johns,

The release of area by petition from the City of Austin's Extraterritorial Jurisdiction (ETJ) as noted below was filed with the City Clerk on October 30, 2025.

BEE CAVE RD, ABS 627 SUR 38 PERKINS I ACR .568 MH

This petition meets the statutory requirements identified in Texas Local Government Code Sections 42.102 and 42.104. This letter serves as notification by the City of Austin that the submitted petition meets the applicable requirements, as required by Texas Local Government Code Sec. 42.105 (b).

The area described in the petition will be formally released from the City of Austin's ETJ as determined by Texas Local Government Code Sec, 42.105(d).

Sincerely,

A handwritten signature in black ink that reads 'Stephanie Hall'. The signature is written in a cursive, flowing style.

Stephanie Hall, CMC, TRMC
Deputy City Clerk



OFFICE OF
THE CITY CLERK

August 1, 2024

Dear David Johns,

The release of area by petition from the City of Austin's Extraterritorial Jurisdiction (ETJ) as noted below was filed with the City Clerk on July 2, 2024.

107 N WESTON LN, LOT 6 BLK A ROB ROY ON THE LAKE SEC 1

This petition meets the statutory requirements identified in Texas Local Government Code Sections 42.102 and 42.104. This letter serves as notification by the City of Austin that the submitted petition meets the applicable requirements, as required by Texas Local Government Code Sec. 42.105 (b).

The area described in the petition will be formally released from the City of Austin's ETJ as determined by Texas Local Government Code Sec, 42.105(d).

Sincerely,

A handwritten signature in black ink that reads 'Stephanie Hall'.

Stephanie Hall, CMC, TRMC
Assistant City Clerk



OFFICE OF
THE CITY CLERK

December 22, 2023

Dear David Johns,

The release of area by petition from the City of Austin's Extraterritorial Jurisdiction (ETJ) as noted below was filed with the City Clerk on November 22, 2023.

7301 Bridge Point PKWY, Austin, TX 78730

This petition meets the statutory requirements identified in Texas Local Government Code Sections 42.102 and 42.104. This letter serves as notification by the City of Austin that the submitted petition meets the applicable requirements, as required by Texas Local Government Code Sec. 42.105 (b).

The area described in the petition will be formally released from the City of Austin's ETJ as determined by Texas Local Government Code Sec, 42.105(d).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Myrna Rios'.

Myrna Rios, MMC, TRMC
Austin City Clerk



October 15, 2025

Dear Thomas Mangold and Azita Bayat,

The release of area by petition from the City of Austin's Extraterritorial Jurisdiction (ETJ) as noted below was filed with the City Clerk on September 11, 2025.

6303 ROYAL BIRKDALE OVRLK, LOT 10 BLK 7 LOST CREEK SEC 2

This petition meets the statutory requirements identified in Texas Local Government Code Sections 42.102 and 42.104. This letter serves as notification by the City of Austin that the submitted petition meets the applicable requirements, as required by Texas Local Government Code Sec. 42.105 (b).

The area described in the petition will be formally released from the City of Austin's ETJ as determined by Texas Local Government Code Sec, 42.105(d).

Sincerely,

A handwritten signature in cursive script that reads 'Davetta Edwards'.

Davetta Edwards, TRMC
Assistant City Clerk

Exhibit B

Representative Sample of March 2026 Retraction Letters



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin’s Extraterritorial Jurisdiction (ETJ)

Property: ABS 627 SUR 38 PERKINS | ACR .568 MH / BEE CAVE RD

Dear Property Owner,

On October 30, 2025, you or your representative requested that the City release your property from the City’s ETJ. In response to the request, the City issued a letter granting release of the property from the City’s extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality’s extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City’s ETJ**. Therefore, **the property remains within the boundaries of the City’s ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7463 35

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: ABS 626 SUR 37 PERKINS | ACR 5.690 / ADDIE ROY RD

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7465 02

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: LOT 5 BLK A ROB ROY ON THE LAKE SEC 1 / 105 N WESTON LN

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7467 17

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: LOT 6 BLK A ROB ROY ON THE LAKE SEC 1 / 107 N WESTON LN

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7468 16

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: ABS 626 SUR 37 PERKINS | ACR 17.665 / 225 ADDIE ROY RD

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7468 47

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: LOT 2 COLDWATER SEC 1 AMENDED PLAT OF LOTS 1 & 2 OF (1-D-1W) / 7301
BRIDGE POINT PKWY

Dear Property Owner,

On November 22, 2023, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7476 39

CC: David Johns/Bill Cobb via bill@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: LOT 12 BLK A COLDWATER SEC 4 PHS A (1-d-1w) / 5113 QUIET MOUNTAIN CV

Dear Property Owner,

On November 22, 2023, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect. Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7476 22

CC: David Johns/Bill Cobb via bill@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin’s Extraterritorial Jurisdiction (ETJ)

Property: LOT 11 BLK A COLDWATER SEC 4 PHS A (1-d-1w) / 7330 COLDWATER CANYON DR

Dear Property Owner,

On November 22, 2023, you or your representative requested that the City release your property from the City’s ETJ. In response to the request, the City issued a letter granting release of the property from the City’s extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality’s extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City’s ETJ**. Therefore, **the property remains within the boundaries of the City’s ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes**.

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7476 15

CC: David Johns/Bill Cobb via bill@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: LOT 10 BLK 7 LOST CREEK SEC 2 / 6303 ROYAL BIRKDALE OVRLK

Dear Property Owner,

On September 11, 2025, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7465 64

CC: Cobb Johns via david@cobbjohns.com

Exhibit C

Email from City of Austin (May 12, 2026)

Redacted

From: Austin ETJ Release [mailto:AustinETJRelease@austintexas.gov]
Sent: Tuesday, May 12, 2026 11:08 AM
] ETJ Release Petition

Good afternoon,

The City acknowledges receipt of your correspondence.

The City's determination remains unchanged. As a result, the property remains within the ETJ. The property is ineligible for release. The Bee Caves Armory constitutes a qualifying military base under state law. The City's determination was made in accordance with and is authorized by applicable provisions of state law. Accordingly, no administrative appeal process is available for this determination.

Please note that properties located within the ETJ are not subject to City property taxes but may be subject to certain municipal land development and subdivision regulations authorized by state law.

If development activity associated with the property was initiated through Travis County prior to March 16, please provide any relevant documentation for the City's review. The City will recognize and honor existing development applications submitted to the County prior to March 16 and work with you accordingly.

Thank you.



City of Austin

Resource Account

ETJ Release

301 West Second Street

Austin, Texas 78701

AustinETJRelease@austintexas.gov

Exhibit D

Notices of Violation (Mar. 16, 2026)



City of Austin

P.O. Box 1088, Austin, TX, 78767

POSTED 3/16/2026

NOTICE OF VIOLATION

Case Number: CV-2026-031720
via Certified Mail #owner

March 16, 2026

WALDROP TRUST
604 LISA DR
AUSTIN TX 78733 2419
78733

RE: 106 RIVER HILLS RD AUSTIN TX 78733
Locally known as 106 RIVER HILLS RD AUSTIN TX 78733
Legally described as ABS 627 SUR 38 PERKINS I ACR .568 MH S#2FR14741815
Zoned as
Parcel Number 0123340304

Dear WALDROP TRUST:

The City of Austin Development Services Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at 512-416-8480 or Karrie.DeMascio@austintexas.gov. Please reference **case number** CV-2026-031720. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m. If I am unavailable, contact DSD Code Connect line at (512) 974-CODE (2633) or DSDCodeConnect@austintexas.gov.

Para obtener más información, llame al 512-416-8480 o enviar un correo electrónico a Karrie.DeMascio@austintexas.gov. Por favor, consulte **caso número** CV-2026-031720. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m. Si no estoy disponible, comuníquese con DSD Code Connect marcando al (512) 974-CODE (2633) o por correo electrónico DSDCodeConnect@austintexas.gov.

Sincerely,

Karrie De Mascio, Austin Code Inspector City of Austin Development Services Department



For assistance, contact:
512-974-CODE (2633)
DSDCodeConnect@austintexas.gov

106 RIVER HILLS RD.

VIOLATION REPORT

Date of Notice: March 16, 2026
Code Officer: Karrie De Mascio
Case Number: CV-2026-031720
Property Address: 106 RIVER HILLS RD AUSTIN TX 78733
Locally known as 106 RIVER HILLS RD AUSTIN TX 78733
Zoned as

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: **STRUCTURE MAINTENANCE**

Austin City Code Section: Unsafe Structures (§111.1.4)
Description of Violation: An unlawful Non Conforming off premise sign structure erected without a permit.
Date Observed: 03/16/2026
Timeframe to Comply: 30 Day(s)
Recommended Resolution: Provide a detailed engineer report for details and dimensions of foundations, footings, and advertising area of each sign face immediately upon receipt of this notice.

Notes: If the corrective action requires a permit the permit is issued by the Development Services Department. For resources and contact information, please visit www.austintexas.gov/dsd or call 311.

An inspection on any required permits will need to be conducted before the above code violation(s) can be closed. Please visit www.austintexas.gov/page/building-inspection or call 311 for information on how to schedule an inspection.

Appeal: Any structure maintenance issue indicated in this report may be appealed to the Building and Standards Commission. The appeal must be filed no later than **20 days** after the date of this notice and contain **all** of the following information:

- a brief statement as to why the violation is being appealed
- any facts that support the appeal
- a description of the relief sought
- the reasons why the appealed notice or action should be reversed, changed, or set aside
- the name and address of the appellant

An appeal may be delivered in person to our office located at City of Austin Permitting and Development Center, 6310 Wilhelmina Delco Dr, Austin, TX 78752 or mailed to: **Building and Standards Commission, c/o Development Services Department Code Compliance, P.O. Box 1088 Austin, Texas 78767.**

Violation Type: LAND USE

Austin City Code Section: Signs Prohibited in All Public Right Of Way (§25-10-103)

Description of Violation: Constructed an off-premises sign on land within the City of Austin ETJ, which is prohibited by the City Code of Ordinance.

Date Observed: 03/16/2026

Timeframe to Comply: 14 Day(s)

Recommended Resolution: Remove the prohibited sign.

Austin City Code Section: Building Permit Requirement (§25-11-32)

Description of Violation: Constructed an off-premises sign on land within the City of Austin ETJ, which is prohibited by the City Code of Ordinance.

Date Observed: 03/16/2026

Timeframe to Comply: 14 Day(s)

Recommended Resolution: Remove the prohibited sign.

Notes: For permit violations, if the corrective action requires a permit, the permit is issued by the Development Services Department. For resources and contact information, please visit www.austintexas.gov/dsd or call 311. Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance.

IMPORTANT INFORMATION

Failure to Correct

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Development Services Department office no later than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the office at City of Austin Permitting and Development Center, 6310 Wilhelmina Delco Dr, Austin, TX 78752. The completed affidavit should be mailed to: **City of Austin Development Services Department, P.O. Box 1088, Austin, Texas 78767.**

Complaints

You may file a written complaint or commendation regarding a Development Services Department Code Compliance Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Development Services Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

Exhibit E

Email from City of Austin (Mar. 18, 2026)

From: [Austin ETJ Release](#)
To: [James Gribble III](#)
Subject: Re: Ineligible Property Release from Austin ETJ dated March 13, 2026
Date: Wednesday, March 18, 2026 5:13:00 PM
Attachments: [Outlook-A picture .png](#)

Hi James,

Thank you for reaching out. The letter dated March 13, 2026 is a letter from the City of Austin.

The City recently learned that the Bee Caves Armory is owned by the federal government and has an active training program on site, thereby qualifying as a "military base" defined under Texas Local Government Code Section 43.0117. Properties that are located within five miles of such a military base are not eligible to be released from the City's extraterritorial jurisdiction (ETJ).

Accordingly, the property referenced in the letter is not eligible for release under state law and remains within the City's ETJ and all applicable municipal authority, regulations, benefits, and obligations remain in effect. Any prior correspondence granting the release of such properties was issued in error and is void.

Thank you.



City of Austin
Resource Account
ETJ Release
301 West Second Street
Austin, Texas 78701
AustinETJRelease@austintexas.gov

From: James Gribble III <[REDACTED]>
Sent: Tuesday, March 17, 2026 4:28 PM
To: Austin ETJ Release <AustinETJRelease@austintexas.gov>
Subject: Ineligible Property Release from Austin ETJ dated March 13, 2026

External Email - Exercise Caution

I received the above letter after my property had already been RELEASED by the City of Ausin. The release was APPROVED on October 2, 2025. I don't agree with the city doing a "DO OVER". Please provide a phone number, so I can discuss this issue. You can reach me at : [REDACTED] I can meet in person if

necessary. Please advised ASAP. Thanks James Gribble P.S. Please also provide a phone number to reach Erika Brady, MMC, TRMC, Austin City Clerk

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.
For any additional questions or concerns, contact CSIRT at "cybersecurity@austintexas.gov".

Declaration of Curtis Ford

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PROPERTY OWNERS WITHSTANDING
ETJ RETRACTIONS; and THE
SCHOENSTATT MOVEMENT OF
AUSTIN,

Plaintiffs,

v.

CITY OF AUSTIN; T.C. BROADNAX, *in his
official capacity* as City Manager; and KEITH
MARS, *in his official capacity* as Director of
Development Services Department,

Defendants.

Civil Action No. 1:26-cv-01518

UNSWORN DECLARATION OF CURTIS FORD

1. I, Curtis Ford, declare that the following facts are true and correct to the best of my personal knowledge. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction in the above-referenced matter.

2. I am at least 18 years old and competent to make this declaration.

3. I am the Chair of the Board of Directors of Property Owners Withstanding ETJ Retractions ("POWER"), a plaintiff in this action. The facts stated herein are within my personal knowledge based on my role with POWER, its records, and my communications with its members.

4. POWER is a Texas nonprofit corporation formed to vindicate the statutory and constitutional rights of property owners whose properties were released from the City of Austin's extraterritorial jurisdiction ("ETJ") under Chapter 42 of the Texas Local Government Code and whose releases the City has purported to rescind.

5. Membership in POWER is limited by defined criteria. A property owner is eligible to join POWER only if: (a) the owner's property was released from the City's ETJ under Chapter 42; and (b) the City thereafter sent the owner a letter purporting to rescind that release based on the property's proximity to Bee Caves Armory.

6. Every member of POWER satisfies both requirements.

7. As a result, all of POWER's members are similarly situated. Each obtained a release of its property from the City's ETJ, and each received a materially identical letter from the City declaring that release "void" and reasserting the City's ETJ authority. The legality of the City's retractions can be assessed on facts common to all of POWER's members.

8. Each member received written confirmation that its petition satisfied the statutory requirements for release, and each member's property was released from the City's ETJ—some as long ago as late 2023 and early 2024.

9. POWER's members relied on the City's written confirmations of release and their actual release from the City's ETJ. For periods ranging from months to nearly three years, members planned, invested in, and contracted around their properties on the understanding that the properties were outside the City's ETJ.

10. The City's retractions have harmed POWER's members in common ways. Among other things, members' expansion and development projects have been halted by the City's land-use restrictions; members who invested in architectural plans, permitting, and construction contracts in reliance on their releases have had those projects interrupted because of the City's land-use restrictions, risking hundreds of millions of dollars; members with pending property sales face cancellation; some members have seen their property values fall by approximately two-thirds;

and all members have been re-subjected to City land-use restrictions, which do not reflect the practicalities of their rural or semi-rural properties and that they had lived free from between the time of their release and receiving the City's retraction letter.

11. POWER's members petitioned for release from the City's ETJ to use and enjoy their properties free of the City's restrictions.

12. They are willing to comply with the regulations imposed by Travis County and applicable state law; they do not wish to be subjected to the City's regulations, in whose government they have no voice.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 06 / 10 / 2026, 2026, in Austin, Texas.



Curtis Ford
Chair, Board of Directors
Property Owners Withstanding ETJ Retractions



Title	POWER 26.6.10 Declaration of Curtis Ford.pdf
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06 / 11 / 2026

00:25:05 UTC

Viewed by Curtis Ford (cford@mediachoice.com)
IP: 70.112.149.225



SIGNED

06 / 11 / 2026

00:25:29 UTC

Signed by Curtis Ford (cford@mediachoice.com)
IP: 70.112.149.225



COMPLETED

06 / 11 / 2026

00:25:29 UTC

The document has been completed.

Declaration of Marcela Pinto

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PROPERTY OWNERS WITHSTANDING
ETJ RETRACTIONS; and THE
SCHOENSTATT MOVEMENT OF
AUSTIN,

Plaintiffs,

v.

CITY OF AUSTIN; T.C. BROADNAX, *in his
official capacity* as City Manager; and KEITH
MARS, *in his official capacity* as Director of
Development Services Department,

Defendants.

Civil Action No. 1:26-cv-01518

UNSWORN DECLARATION OF MARCELA PINTO

1. I, Marcela Pinto, declare that the following facts are true and correct to the best of my personal knowledge. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction in the above-referenced matter.

2. I am at least 18 years old and competent to make this declaration.

3. I am the President of the Board for the Schoenstatt Movement of Austin ("Schoenstatt"), a plaintiff in this action.

4. Schoenstatt is a Texas nonprofit religious organization and the Austin chapter of an international movement of Catholics dedicated to the spiritual renewal of their faith.

5. Schoenstatt's core mission is to provide a place for fellowship and worship.

6. Schoenstatt's developed campus is approximately 2.5 acres, centered around the Marian Shrine of Our Lady of Schoenstatt, which has become a place of pilgrimage for the Diocese of Austin and beyond.

7. Visitors travel to the campus to, among other things, attend Mass, participate in retreats, and reflect in Eucharistic adoration.

8. Over the past few years, Schoenstatt has outgrown its developed space.

9. Because of space constraints, it currently holds Mass outdoors, and in inclement weather, it is forced to turn parishioners away because its covered facilities cannot accommodate the entire congregation.

10. Although Schoenstatt's currently developed campus is only 2.5 acres, its property totals approximately 17.65 acres.

11. Schoenstatt's campus includes the following real property in Travis County, Texas: (i) ABS 626 SUR 37 PERKINS I ACR 5.690 (Addie Roy Road); (ii) LOT 5 BLK A ROB ROY ON THE LAKE SEC 1 (105 N. Weston Lane); (iii) LOT 6 BLK A ROB ROY ON THE LAKE SEC 1 (107 N. Weston Lane); and (iv) ABS 626 SUR 37 PERKINS I ACR 17.665 (225 Addie Roy Road).

12. The remaining acreage could be developed to accommodate Schoenstatt's growing community. But because of the City of Austin's ETJ land-use restrictions—including its impervious-cover limits—Schoenstatt cannot develop that land if it is within the City's ETJ.

13. On July 2, 2024, Schoenstatt petitioned the City for release of its property from the City's ETJ under Chapter 42 of the Texas Local Government Code.

14. On August 1, 2024, the City sent Schoenstatt written confirmation stating that the petition met the statutory requirements and that the property would "be formally released from

the City of Austin’s ETJ as determined by Texas Local Government Code Sec[.] 42.105(d).” A true and correct copy of the City’s August 1, 2024 confirmation letter is attached as Exhibit A.

15. Schoenstatt was released from the City’s ETJ on or around August 16, 2024.

16. Schoenstatt has relied on that release since it was granted in August 2024. For instance, Schoenstatt retained a design and architecture firm, completed conceptual drawings for its expansion, and devoted significant financial resources and volunteer hours to an aggressive fundraising campaign for the development.

17. On March 13, 2026, the City sent Schoenstatt a letter stating that the prior confirmation “was issued in error and [is] void and of no force or effect,” and that Schoenstatt’s property “remains within the boundaries of the City’s ETJ.” A true and correct copy of the City’s March 13, 2026 letter is attached as Exhibit B.

18. Schoenstatt received no advance notice of the City’s action and was offered no hearing or opportunity to appeal.

19. As a result of the City’s retraction, Schoenstatt’s development project is at a standstill. Schoenstatt’s development project—even if modified—cannot meet the City’s strict land-use regulations.

20. Schoenstatt cannot achieve its full religious mission and service to the Austin diocese while the City’s retraction remains in effect.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 06 / 11 / 2026, 2026, in Austin, Texas.

Marcela Pinto

Marcela Pinto
President, Board of Directors
The Schoenstatt Movement of Austin



Title	POWER 26.6.10 Declaration of Marcela Pinto.pdf
File name	POWER%2026.6.10%20...rcela%20Pinto.pdf
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06 / 10 / 2026

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IP: 72.95.220.236



VIEWED

06 / 11 / 2026

16:24:45 UTC

Viewed by Marcela Pinto (mpinto@schoenstatt.us)
IP: 201.116.52.35



SIGNED

06 / 11 / 2026

16:25:46 UTC

Signed by Marcela Pinto (mpinto@schoenstatt.us)
IP: 201.116.52.35



COMPLETED

06 / 11 / 2026

16:25:46 UTC

The document has been completed.

Exhibit A

Confirmation of Release (Aug. 1, 2024)



OFFICE OF
THE CITY CLERK

August 1, 2024

Dear David Johns,

The release of area by petition from the City of Austin's Extraterritorial Jurisdiction (ETJ) as noted below was filed with the City Clerk on July 2, 2024.

107 N WESTON LN, LOT 6 BLK A ROB ROY ON THE LAKE SEC 1

This petition meets the statutory requirements identified in Texas Local Government Code Sections 42.102 and 42.104. This letter serves as notification by the City of Austin that the submitted petition meets the applicable requirements, as required by Texas Local Government Code Sec. 42.105 (b).

The area described in the petition will be formally released from the City of Austin's ETJ as determined by Texas Local Government Code Sec, 42.105(d).

Sincerely,

A handwritten signature in black ink that reads 'Stephanie Hall'.

Stephanie Hall, CMC, TRMC
Assistant City Clerk

Exhibit B

Retraction Letter (Mar. 13, 2026)



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin’s Extraterritorial Jurisdiction (ETJ)

Property: ABS 626 SUR 37 PERKINS | ACR 5.690 / ADDIE ROY RD

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City’s ETJ. In response to the request, the City issued a letter granting release of the property from the City’s extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality’s extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City’s ETJ**. Therefore, **the property remains within the boundaries of the City’s ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7465 02

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: LOT 5 BLK A ROB ROY ON THE LAKE SEC 1 / 105 N WESTON LN

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes**.

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7467 17

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin's Extraterritorial Jurisdiction (ETJ)

Property: LOT 6 BLK A ROB ROY ON THE LAKE SEC 1 / 107 N WESTON LN

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City's ETJ. In response to the request, the City issued a letter granting release of the property from the City's extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality's extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City's ETJ**. Therefore, **the property remains within the boundaries of the City's ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes.**

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7468 16

CC: David Johns via david@cobbjohns.com



301 West Second Street
Austin, TX 78701

THIS LETTER CONCERNS REGULATIONS APPLICABLE TO YOUR PROPERTY.

Date: March 13, 2026

Re: Ineligible Property for Release from Austin’s Extraterritorial Jurisdiction (ETJ)

Property: ABS 626 SUR 37 PERKINS | ACR 17.665 / 225 ADDIE ROY RD

Dear Property Owner,

On July 2, 2024, you or your representative requested that the City release your property from the City’s ETJ. In response to the request, the City issued a letter granting release of the property from the City’s extraterritorial jurisdiction (ETJ). Upon subsequent review, the City has determined that the letter was issued in error and is **void and of no force or effect**.

Section 42.101(1) of the Texas Local Government Code states that a property located within five miles of the boundary of a military base is not eligible for release from a municipality’s extraterritorial jurisdiction. Upon further review, the City determined that the property is located **within five miles of the boundary of a military base**, known as the Bee Caves Armory.

Accordingly, under state law, **the property is not eligible for release from the City’s ETJ**. Therefore, **the property remains within the boundaries of the City’s ETJ, and all applicable municipal authority, regulations, benefits, and obligations remain in effect**. **Your property will not be subject to City of Austin property taxes**.

If you have questions regarding this determination or require additional clarification, please email AustinETJRelease@austintexas.gov.

Thank you,
Erika Brady, MMC, TRMC
Austin City Clerk

9489 0090 0027 6244 7468 47

CC: David Johns via david@cobbjohns.com