

AGENDA ITEM 21

Consider approving interlocal agreement with City of Liberty Hill for regulation of subdivision plats and related permits.

County Engineer Joe England discussed the proposed interlocal agreement, which would allow the county to regulate subdivision plats and permits in the extraterritorial jurisdiction of the City of Liberty Hill.

Moved: **Judge Doerfler**

Seconded: **Commissioner Hays**

Motion: To approve an interlocal agreement with the City of Liberty Hill for regulation of subdivision plats and related permits.

Vote: **3 - 0**

< Attachment >

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT ("Agreement") is entered into and in accordance with the provisions of the Interlocal Cooperation Act, Chapter § 791, Texas Government Code and House Bill 1445 ("H.B. 1445"), enacted by the Texas Legislature during its 77th Legislative Session by and between the CITY OF Liberty Hill, TEXAS ("City"), a political subdivision of the State of Texas, and the COUNTY OF WILLIAMSON, TEXAS ("County"), also a political subdivision of the State of Texas.

WHEREAS, the Interlocal Cooperation Act allows local government to contract with one another to perform governmental functions and services; and

WHEREAS, City and County mutually desire to be subject to the provisions of the Texas Government Code, Chapter 791, the Interlocal Cooperation Act, specifically 791.011 regarding contracts to perform governmental functions and services; and

WHEREAS, H.B.1445 requires City and County to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction ("ETJ") of City and

WHEREAS, H.B. 1445 allows City and County to agree that County may be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in the ETJ and may regulate subdivisions under Subchapter A of Chapter 232 of the Texas Local Government Code and other statutes applicable to counties; and

WHEREAS, both City and County desire that County be granted such exclusive jurisdiction to regulate subdivision plats and approve related permits in City's ETJ, all of which is provided for in the Interlocal Cooperation Act and H.B. 1445.

NOW, THEREFORE, City and County, for the mutual consideration stated herein, agree and understand as follows;

1. *County Granted Exclusive Jurisdiction*, County shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in City's ETJ, and may regulate subdivisions under Subchapter A of Chapter 232 of the Texas Local Government Code and other statutes applicable to municipalities, and City shall no longer exercise any of these functions in City's ETJ.
 2. *ETJ Expansion or Reduction*. Should City expand or reduce its ETJ, City shall promptly notify county of such expansion or reduction so that this Agreement may be amended to take into account the expansion or reduction in City's ETJ. In the event that City's ETJ should expand or reduce such that the expansion or reduction ETJ necessitates the amendment of this Agreement, both City and County agree that County shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ (subject to the
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terms and conditions found in the previous paragraph), and to regulate subdivisions under Subchapter A of Chapter 232 of the Texas Local Government Code and other statutes applicable to counties, until this Agreement is amended to take into account such ETJ expansion or reduction.

3. Additional guidance for County Clerk:

a. If, on the date the plat is presented for filing, the subdivision is located within the full-purpose annexed incorporated portion of City, the Clerk shall file the plat if it has been signed and approved by City. Approval by County is optional.

b. If, on the date the plat is presented, the subdivision is outside the full-purpose annexed area, but within the limited-purpose annexed or extraterritorial jurisdiction of City, the Clerk shall file the plat if it has been signed and approved by County. Approval by City is optional.

c. Plats that do not contain the approval required by either (a) or (b) shall not be filed. Attempted filing, of an unauthorized plat may result in criminal or civil sanctions.

4. *Miscellaneous.*

a. This Agreement expresses the entire agreement between the parties hereto regarding the subject matter contained herein and may not be modified or amended except by written agreement duly executed by both parties. Either party may request to renegotiate this agreement at anytime.

b. This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.

c. This Agreement shall be construed in accordance with the laws of the State of Texas and venue for all purposes hereunder shall be in Williamson County, Texas.

d. If any provision hereof is determined by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be fully severable here from and this Agreement shall be construed and enforced, as if such invalid, illegal or unenforceable provision never comprised a part hereof; and the remaining provisions shall continue in full force and effect.

e. The Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither City nor County waives any immunity or defense that would otherwise be available to it against claims by third parties.

f. This Agreement shall be effective as of March 30, 2002.

APPROVED BY THE CITY COUNCIL FOR THE CITY OF Liberty Hill, TEXAS, in its meeting held on the 25th day of March, 2002, and executed by its authorized representative.

CITY OF Liberty Hill, TEXAS

By: Bob McEachern
City Administrator

ATTEST:

Katherine B. Clark
City Secretary

APPROVED BY THE COMMISSIONERS' COURT FOR WILLIAMSON COUNTY, TEXAS, in its meeting held on the 14 day of MAY, 2002, and executed by its authorized representative.

Williamson, COUNTY

By: John C. Daehler 5-14-02
County Judge

ATTEST:

Dan E. Rister

AGENDA ITEM 22

Discuss and take appropriate action on road bond program.

Commissioner Heiligenstein reported that he and Charlie Crossfield had met with Al Robinson III and Commissioner Sonleitner of Travis County on Friday regarding right-of-way for North Loop, Parmer Lane and SH 45. He commended Austin White Lime and Robinson Ranch for their cooperation in the matter.

No action was taken on this agenda item.

AGENDA ITEM 23

Discuss and take appropriate action on jail/courthouse annex expansion.

Ed Lee reported on the progress of the parking garage project. He said that Landmark is working on a price change for removing a stairwell. He stated that the approximate cost of hooking up temporary electricity for the garage for the last quarter of this year would be \$17,000. Mr. Lee stated that they are in the process of negotiating points on a construction management agent for the Annex. He said that he would report in more detail next week.

No action was taken on this agenda item.

AGENDA ITEM 24

Consider approving additional services proposal for Land Strategies for Williamson County Regional Park.

Paul Linehan reported that Williamson County MUD #9 approved a pass-through agreement for a water line for the park from the City of Round Rock.

Moved: **Commissioner Heiligenstein**

Seconded: **Commissioner Hays**

Motion: To approve the additional services proposal for Land Strategies for Williamson County Regional Park, excluding reimbursement for mileage.

Vote: **3 - 0**

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