

INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT ("Agreement") is entered into by and between Lee County, Texas, (hereinafter "County"), a political subdivision of the State of Texas, and the City of Lexington, Texas, (hereinafter "City"), a Type A general law municipal corporation, in accordance with the provisions of the Interlocal Agreement Act, Chapter 791 of the Texas Government Code and House Bill 1445 enacted by the Texas Legislature during its 77th Legislative session.

WHEREAS, Section 242.001 of the Local Government Code was enacted by the Texas Legislature to clarify the regulation of subdivisions in a municipality's extraterritorial jurisdiction; and

WHEREAS, Section 242.001 of the Local Government Code requires municipalities and counties to agree on each entities' respective role in regulating and/or approving subdivisions in a municipality's extraterritorial jurisdiction; and

WHEREAS, Section 242.001 provides that a municipality and a county may apportion the area within the extraterritorial jurisdiction of the municipality with the municipality regulating subdivision plats and approving related permits in the area assigned to the municipality and the county regulating subdivision plats and approving related permits in the area assigned to the county; and

WHEREAS, Section 242.0.01 provides that a municipality and a county may establish a single set of consolidated and consistent regulations related to plats, subdivision construction plans, and subdivisions of land as authorized by the Local Government Code in Chapter 212, Sections 232.001-232.005, Subchapters B and C, Chapter 232, and other statutes applicable to municipalities and counties that will be enforced in the extraterritorial jurisdiction; and

WHEREAS, County and City have an interlocal agreement as required by Section 242.001 that became effective April 1, 2002 granting the City the exclusive jurisdiction to regulate subdivision plats and related subdivision and development permits in the City's extraterritorial jurisdiction; and

WHEREAS, the County and City wish to replace the April 1, 2002 interlocal agreement with this Agreement which apportions areas within the extraterritorial jurisdiction of the City between the City and County and which creates a single set of consolidated and consistent regulations that shall apply in the extraterritorial jurisdiction of the City;

NOW, THEREFORE, the City and County, for mutual considerations, agree as follows:

1. Pursuant to Section 242.001 of the Texas Local Government Code, the City and County agree that the interlocal agreement between the parties effective April 1, 2002 is hereby replaced with this Agreement.

2. Pursuant to the authority in Section 242.001 of the Texas Local Government Code, the City and County agree to establish a single set of consolidated and consistent regulations related to plats, subdivision construction plans, and subdivisions of land which shall govern within the extraterritorial jurisdiction of the City. The consolidated regulations shall consist of the stricter of each and every requirement of the City and County that relates to plats, subdivision construction plans, and subdivision of land.
3. The City shall be the entity responsible for accepting all subdivision applications and related permits for tracts of land where any portion ~~fifty percent (50%) or more~~ of the tract is located within the City's ~~extraterritorial jurisdiction~~. For said tracts the City shall have exclusive jurisdiction to review the submitted application in accordance with the consolidated regulations established by the parties, collect all fees, and provide all required approvals to the applicant. The County shall be the entity responsible for accepting all subdivision applications and related permits for tracts of land where ~~less than fifty (50%)~~ all of the tract is located within the City's extraterritorial jurisdiction (and no portion of the tract is within the City limits). For said tracts the County shall have exclusive jurisdiction to review the submitted application in accordance with the consolidated regulations established by the parties, collect all fees, and provide all required approvals to the applicant.
4. Should the City expand or reduce its extraterritorial jurisdiction or change its municipal boundaries as allowed by law, City shall promptly notify County of such changes. The City's extraterritorial jurisdiction shall be that area outside the corporate limits as determined by Chapter 42 of the Texas Local Government Code, as amended.
5. In further consideration of this Agreement, the entity responsible for the review and approval of a subdivision application pursuant to Section 3 of this Agreement agrees to provide notice to the non-responsible entity of any subdivisions application it receives and provide the non-responsible entity an opportunity to comment on the application before consideration of the application. Nothing herein shall be construed to limit the ability of the entity responsible for the review and approval of a subdivision application to consider said application or request within the timeframe required by state statutes.
6. 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.
7. This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation of each party.
8. This Agreement is not intended to extend the liability of the parties beyond that provided by law.

9. This Agreement shall be effective August 1, 2018.

10. The term of this agreement is for one year from the date of execution, after which the agreement will renew automatically for another one-year term unless terminated or amended as allowed herein. Either party to this agreement may terminate the agreement at any time by giving the other party not less than 30 days' notice of termination. However, both parties understand and agree that the right to terminate this agreement does not avoid the statutory duty of the County and City to have a written agreement providing for subdivision regulation with the City's extraterritorial jurisdiction.

PASSED, APPROVED, AND ADOPTED by the Lee County Commissioner's Court on this the 12th day of NOV., 2019.



Paul E. Fischer, County Judge


ATTEST:


Sharon Blasig, County Clerk

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Lexington, Texas on this the 13th day of November, 2019.


Hon. Alan Retzlaff, Mayor

ATTEST:


Tina Biehle, City Secretary