

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 Giddings, Texas, (hereinafter "City"), also a political subdivision of the State of Texas, in accordance with the provisions of the Inter-Local Agreement Act, Chapter 791 of the Texas Government Code and House Bill 1445 enacted by the Texas Legislature during the 77<sup>th</sup> 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 allows cities and counties to agree on a municipality or county's exclusive jurisdiction to regulate subdivision plats and approve related permits 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 and related permitting in a city's extraterritorial jurisdiction; and,

WHEREAS, City and County subdivision regulations overlap in the City's extra-territorial jurisdiction but for this Inter-Local Agreement; and,

WHEREAS, County and City have an Inter-Local Agreement as required by Section 242.001 that became effective April 1, 2002 granting City the exclusive jurisdiction to regulate subdivision plats and related subdivision and development permits in the City's extra-territorial jurisdiction; and,

WHEREAS, the April 1, 2002 Inter-Local Agreement is in need of amendment to address issues regarding the permitting of subdivisions that are not covered by City subdivision regulation and permitting.

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

1. Pursuant to Section 242.001 of the Local Government Code, the City and County agree that the Inter-Local Agreement between the parties effective April 1, 2002 is amended to be effective August 1, 2018 so that effective as of 12:01 a.m., on August 1, 2018, County shall have and is hereby granted the exclusive jurisdiction to regulate all subdivision plats and approve all related permits in the City's extra-territorial jurisdiction and may regulate subdivisions under Chapter 232 of the Texas Local Government Code and any other statutes applicable to counties and the City shall not exercise any of these functions in the City's extra-territorial jurisdiction.
2. Should the City expand or reduce its extra-territorial jurisdiction or change its municipal boundaries, City shall promptly notify County of such change(s). For purposes of this

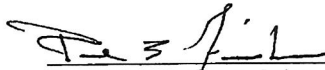
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Agreement, the City's extraterritorial jurisdiction is one (1) mile outside the City's boundary limits.

3. In further consideration of this Agreement, the County agrees to provide notice to the City of any subdivision application requests it receives that are located in whole or part in City's extra-territorial jurisdiction and provide the City an opportunity to comment on the application or request before consideration of the application or request.
4. 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.
5. This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation of each party.
6. This Agreement is not intended to extend the liability of the parties beyond that provided by law.
7. This Agreement shall be effective August 1, 2018.
8. 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 extra-territorial jurisdiction.


PASSED, APPROVED, AND ADOPTED by the Lee County Commissioner's Court on this the 23<sup>rd</sup> day of July, 2018.

  
Paul E. Fischer, County Judge

ATTEST:

  
Sharon Blasig, County Clerk

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Giddings, Texas on this the 23<sup>rd</sup> day of July, 2018.

  
John Dowell, Mayor

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ATTEST:

Andrea Ray  
Andrea Ray, City Secretary



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