

AGENDA PLACEMENT FORM

(Submission Deadline – Tuesday, 12:00 PM before Regular Court Meetings)

Date: 2/16/2023

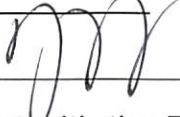
Meeting Date: 2/27/2023

Submitted By: Julie Edmiston

COMMISSIONERS COURT

Department/Office: Public Works

FEB 27 2023

Signature of Director/Official: 

Agenda Title: Interlocal Agreement with the Town Of Cross Timber

Approved

Public Description (Description should be 2-4 sentences explaining to the Court and the public what action is recommended and why it is necessary):

Consideration and Approval of Amendment to Interlocal Agreement
Between the County of Johnson and the Town of Cross Timber
Regarding the Jurisdiction of Plat Approval in the Town's Extra
Territorial Jurisdiction.

(May attach additional sheets if necessary)

Person to Present: Jennifer VanderLaan

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one) PUBLIC CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 10 minutes

Session Requested: Action Item (Action Item, Workshop, Consent, Executive)

Check All Departments Requiring Notification:

County Attorney IT Purchasing Auditor

Personnel Public Works Facilities Management

Other Department/Official (list) _____

THE STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS

COUNTY OF JOHNSON §

**AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
THE COUNTY OF JOHNSON AND THE TOWN OF CROSS TIMBER, TEXAS
REGARDING JURISDICTION OF PLAT APPROVAL IN THE TOWN'S ETJ**

This Amendment to Interlocal Agreement Between the County of Johnson and the Town of Cross Timber, Texas Regarding Jurisdiction of Plat Approval in the Town's ETJ (the "Amendment") is made and entered into by and between Johnson County, Texas, a political subdivision of the State of Texas ("County") acting herein by and through its duly authorized Commissioners Court, and the Town of Cross Timber, Texas ("Town"), a municipal corporation, acting herein by and through its duly authorized Board of Alderman, individually referred to as a "Party," collectively referred to herein as the "Parties" and is an amendment to the Interlocal Agreement between the County and the Town signed by the Town on January 22, 2004 and by the County on February 9, 2004, with an effective date of March 1, 2004, (the "Agreement") that granted Town exclusive jurisdiction to regulate all subdivision plats and approve all related permits in Town's ETJ.

Recitals

WHEREAS, prior to the enactment of H.B. 1445, Texas Local Government Code §242.001 authorized Town and County to exercise concurrent jurisdiction over the platting process required upon the subdivision of land within Town's extraterritorial jurisdiction located within the County ("ETJ"); and

WHEREAS, H.B. 1445 amended Texas Local Government Code §242.001 to require that Town and County agree to a procedure whereby only one governmental agency will have jurisdiction to oversee and regulate the platting process and related permits within a municipality's ETJ; and

WHEREAS, the Interlocal Cooperation Act allows local governments to contract with one another to perform governmental functions such as platting and approval of related permits; and

WHEREAS, Town 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, Texas Local Government Code §242.001 requires Town and County to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in Town's ETJ; and

WHEREAS, Town and County desire to amend the Agreement that was effective as March 1, 2004 so that County shall be granted exclusive jurisdiction to regulate

subdivision plats and approve related permits in Town's ETJ under Chapter 232 of the Texas Local Government Code and other statutes applicable to Counties, all of which is provided for in the Interlocal Cooperation Act and Texas Local Government Code Chapter 242.

NOW, THEREFORE, Town and County, for the mutual consideration stated herein, agree and understand as follows:

Agreements

1. *County Granted Exclusive Jurisdiction.* County shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in Town's ETJ and may regulate subdivisions under Subchapter A of Chapter 232 of the Texas Local Government Code and other statutes applicable to Counties, and Town shall no longer exercise any of these functions in Town's ETJ. County shall have jurisdiction to enforce onsite sewage facilities under Texas Health & Safety Code Chapter 366 and 30 Texas Administrative Code ("TAC") Chapter 285. County shall also have the authority to approve culvert and floodplain development permits pursuant to federal law.

2. *ETJ Defined.* For the purposes of this Amendment, Town's ETJ is described by the area indicated on Exhibit A, attached hereto and made part hereof by this reference. The recognition of the ETJ shall not be deemed an admission by Town or County in any dispute with any other person or municipality regarding the boundaries of Town's ETJ.

3. *ETJ Expansion or Reduction.* In the event Town's ETJ expands, Town and County agree that County shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and to regulate subdivisions under Subchapter A of Chapter 232 of the Texas Local Government Code and other statutes applicable to counties. Should Town expand or reduce its ETJ, Town shall notify County of such expansion or reduction within 30 days by sending to County a copy of the applicable ordinance and amended Exhibit A.

4. *Notice of Plat Submittals and Approvals.*

(a) County shall notify Town of all subdivision plat applications for property located in Town's ETJ within the County within ten days after receipt of a completed application. County shall use its best efforts to comply with this paragraph; however, failure to comply shall not affect the validity of any subdivision plat.

(b) County shall notify Town of the approval of plats for property located in Town's ETJ within the County. A copy of the approved plat and any engineering plans shall be sent to Town at the address set out in Section 10(e) within 30 days of County's approval. County shall assign addresses to each lot within an approved subdivision.

5. *Plats Affected.* The plats that will be subject to this Amendment are those that are filed after the Effective Date, as defined herein. If the ETJ is expanded or reduced,

plats must be filed with the party who will have jurisdiction after the Effective Date. The party receiving an application for a plat approval for which the party has no jurisdiction may either direct the developer to the appropriate office or forward the application. Any rights accruing to a person under Texas Local Government Code Chapter 245 shall not be affected.

6. *Collection of Fees and Costs.* All costs involved with the approval of subdivision plats under this Amendment, including but not limited to engineering reviews and inspections of public improvements, shall be borne by County and payable out of current revenues available to County. All fees relating to subdivision plat approval shall be collected by County and retained by County.

7. *Maintenance of Roads.* County shall maintain roads constructed in the ETJ at County's expense upon County accepting said roads for county maintenance.

8. *Effective Date.* The Effective Date shall be the date upon which both parties have approved and fully executed this Amendment.

9. *Applicable Regulations.* The subdivision rules and regulations currently enacted by County are applicable to the ETJ and are hereby established as the set of regulations to be enforced by County in the ETJ. County and Town agree and understand that County may hereafter amend County's subdivision rules and regulations and upon approval by County said amendments will be applicable in Town's ETJ. County will provide Town with copies of all amendments to County's subdivision rules and regulations proposed after the Effective Date and will notify Town of all public hearings on such proposed amendments.

10. *Miscellaneous Provisions.*

(a) This Amendment 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.

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

(c) This Amendment shall be construed in accordance with the laws of the State of Texas and venue for all purposes hereunder shall be in Johnson 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 Amendment 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) All notices required to be given by virtue of this Amendment shall be addressed as follows and delivered by certified mail, postage prepaid or by hand delivery:

Town: CROSS TIMBER
P.O. BOX 2042
Burleson TX 76097

Copies to:

TOWN SECRETARY
3701 TRAILS END ROAD
BURLESON TX 76028

County: Johnson County Judge
Roger Harmon (or his successor)
2 North Main Street
Cleburne, Texas 76033

Copies to:

Johnson County Public Works
Jennifer Vanderlaan
2 North Mill Street, Suite 305
Cleburne, Texas 76033

and

Johnson County Attorney
Bill Moore (or his successor)
204 S. Buffalo Ave., Suite 410
Cleburne, Texas 76033

(f) This Amendment is not intended to extend the liability of the parties beyond that provided by law. Neither Town nor County waives any immunity or defense that would otherwise be available to it against claims by third parties.

APPROVED BY THE BOARD OF ALDERMAN FOR THE TOWN OF CROSS
TIMBER, TEXAS, in its meeting held on the 9TH day of FEBRUARY,
2023, and executed by its authorized representative.

TOWN OF CROSS TIMBER, TEXAS

By: Patti Meier
Title: Mayor

ATTEST:
Kathy L. Mast
Town Secretary

APPROVED BY THE COMMISSIONERS COURT FOR JOHNSON COUNTY,
TEXAS, in its meeting held on the 27 day of February, 2022, and
executed by its authorized representative.

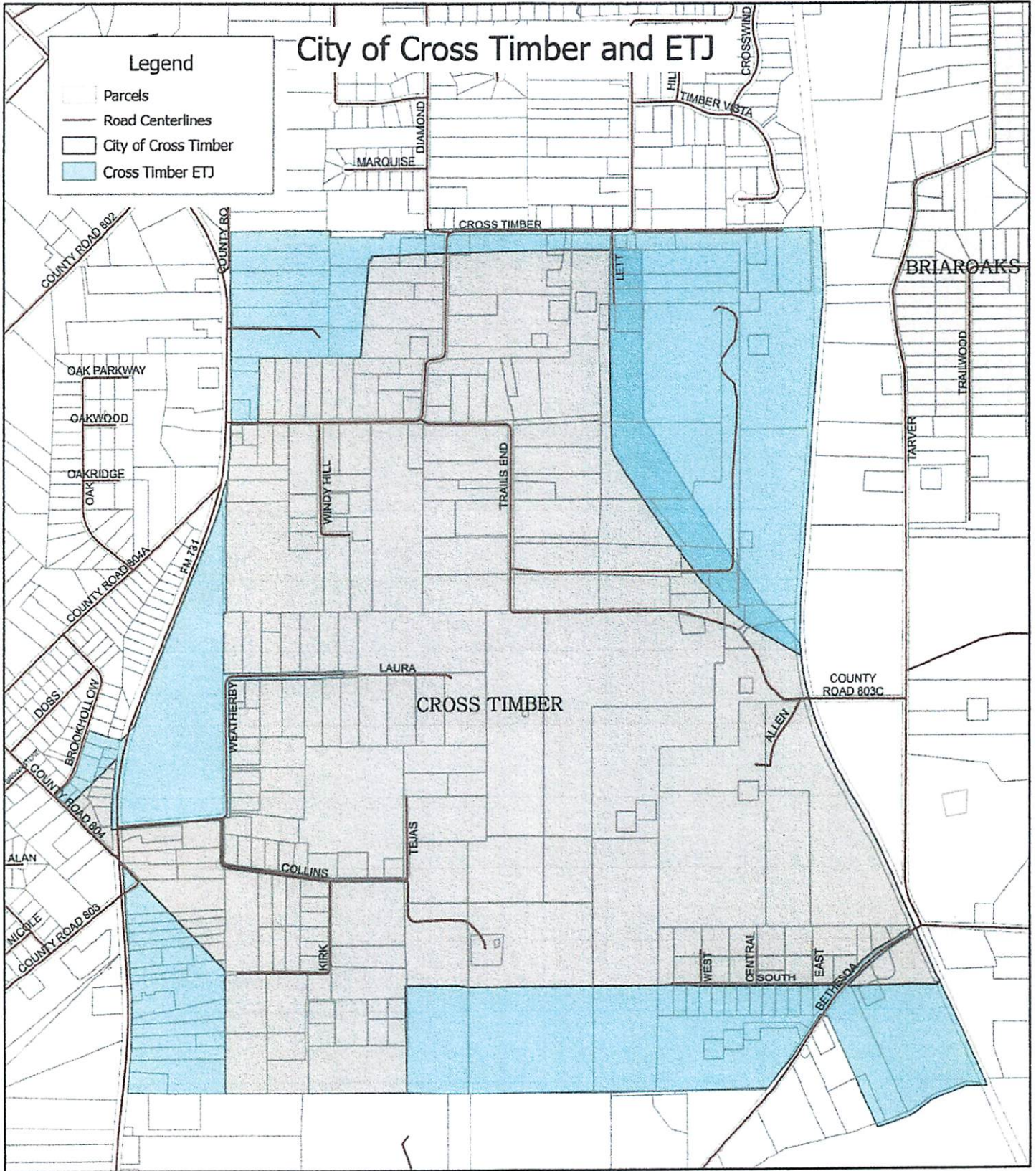
JOHNSON COUNTY, TEXAS

By: Chk Boeder
~~Roger Harmon~~, County Judge
Christopher Boedeker

Attest:
April Long
~~Becky Ivey~~, County Clerk
April Long



Exhibit A



0 0.13 0.25 0.5 Miles

Date Exported: 11/3/2022 2:01 PM



Johnson County
GIS and Mapping