

INTERLOCAL AGREEMENT

THIS INTERLOCAL 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 HILLSBORO, TEXAS, A POLITICAL SUBDIVISION OF THE STATE OF TEXAS, AND THE COUNTY OF HILL, TEXAS, ALSO A POLITICAL SUBDIVISION OF THE STATE OF TEXAS.

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, City of Hillsboro and Hill 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 Hillsboro; and

WHEREAS, H.B. 1445 allows City and County to agree that City may be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in the ETJ and may regulate subdivisions under Chapter A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities; and

WHEREAS, both City of Hillsboro and Hill County desire that City of Hillsboro 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.

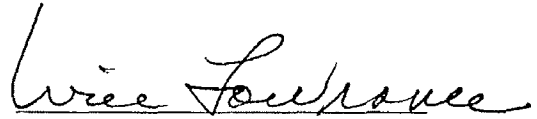
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HILLSBORO AND HILL COUNTY, TEXAS, FOR THE MUTUAL CONSIDERATION STATED HEREIN, AGREE AND UNDERSTAND AS FOLLOWS:

1. *City Granted Exclusive Jurisdiction.* City of Hillsboro shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in City's ETJ and may regulate subdivisions under Chapter A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities, and County shall no longer exercise any of these functions in City's ETJ.
2. *ETJ Expansion or Reduction.* Should City of Hillsboro expand or reduce its ETJ, City of Hillsboro shall promptly notify Hill 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 of ETJ necessitates the amendment of this Agreement, both City of Hillsboro and Hill County agree that City 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 212 of the Texas Local Government Code and other statutes applicable to municipalities, until this Agreement is amended to take into account such ETJ expansion or reduction.

3. *Miscellaneous.*


- a. This Agreement expresses the entire agreement between the parties here to regarding the subject matter contained herein and may not be modified or amended except by written agreement duly executed by both parties.
- 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 Hill 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 herefrom 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 April 1, 2002.

PASSED AND APPROVED at the regular meeting of the Hillsboro City Council held on this the 19th day of March, 2002.

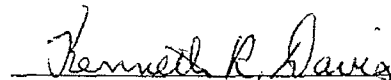


Will Lowrance, Mayor


ATTEST:


Jeanie Goff, City Secretary

APPROVED BY THE HILL COUNTY COMMISSIONERS COURT FOR HILL, COUNTY, TEXAS, in its meeting held on the 25 day of March, 2002, and executed by its authorized representative.


Kenneth R. Davis, County Judge

ATTEST:


Ruth Pelham, County Clerk

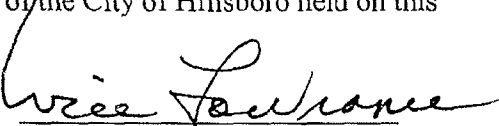
STATE OF TEXAS §
COUNTY OF HILL §
CITY OF HILLSBORO §

Resolution No. R2002-03-06

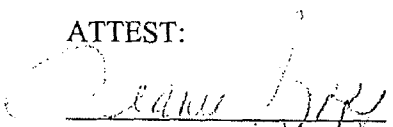
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HILLSBORO, TEXAS, the following, to wit:

The City Council of the City of Hillsboro hereby approves an Interlocal Agreement with Hill County identifying the governmental entity authorized to regulate subdivision plats and approve related permits in the City's extraterritorial jurisdiction.

Adopted at the regular meeting of the City Council of the City of Hillsboro held on this the 19th day of March 2002.


Will Lowrance, Mayor

ATTEST:


Jeanie Goff, City Secretary