

CITY OF BASTROP

RESOLUTION NO. R-2018-79

1445 INTERLOCAL AGREEMENT

**A RESOLUTION OF THE CITY OF BASTROP, TEXAS,
REAUTHORIZING, EXTENDING, AND AMENDING THE
2006 INTERLOCAL AGREEMENT FOR THE REVIEW OF
SUBDIVISION APPLICATIONS IN BASTROP COUNTY
AND IN THE CITY OF BASTROP'S EXTRATERRITORIAL
JURISDICTION AND RATIFYING INTERIM APPROVALS**

- WHEREAS,** municipalities and counties are authorized to enter into agreements identifying the governmental entity authorized to regulate subdivisions and the approve plats in the extraterritorial jurisdiction (EJT) in accordance with Texas Local Government Chapter 242, and Texas Government Code Chapter 791; and
- WHEREAS,** the City Council of the City of Bastrop ("City Council") finds that the Interlocal Agreement effective on January 10, 2006, executed by the City of Bastrop ("City") and the County of Bastrop ("County") for the review of subdivision applications in Bastrop County and in the City's ETJ ("Interlocal Agreement"), attached as *Exhibit "A"*, expired following its term of five (5) years; and
- WHEREAS,** the City and County have continued to provide mutual services, including overseeing and regulating subdivision plats and the approval of related permits in accordance with the Interlocal Agreement, as if in full force, and given full effect; and
- WHEREAS,** the City Council finds it to be in the public interest, and necessary for the public health, safety and welfare to reauthorize and extend the Interlocal Agreement to provide stability in the community's permitting and platting process, and provide time for the City and County to negotiate and draft a new agreement that addresses current regulations and modern drainage standards; and
- WHEREAS,** the City Council determines that it is reasonable, necessary and prudent to ratify all subdivisions approvals and related permits granted by the County in the City's ETJ under the Interlocal Agreement since January 30, 2011; and
- WHEREAS,** the City Council finds it to be in the public interest, and necessary for the public health, safety and welfare to modify the Interlocal Agreement to include certain emergency permit application requirements to address

drainage concerns and minimize flooding events consistent with Emergency Ordinance No. 2018-2, enacted by the City Council on August 14, 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bastrop:

Section 1: The City Council hereby reauthorizes the Interlocal Agreement by and through the approval of Amendment #1, attached and included herein as *Exhibit "A"*.

Section 2: The City Council hereby extends the Interlocal Agreement for a period of ninety (90) days.

Section 3: The City Council hereby amends the Interlocal Agreement, as per *Exhibit "B"* (attached), to require that the County's acceptance of permit applications (with certain exceptions) conforms with the essential elements of the City's Emergency Ordinance 2018-2, those being the mandates for:

- (a) a pre-submission meeting; and
- (b) a signed, sealed letter from a registered engineer regarding adverse flooding impacts.

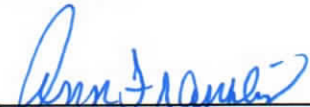
Section 4: The City Council ratifies the all subdivisions approvals and related permits granted by the County in the City's ETJ under the Interlocal Agreement since January 30, 2011.

RESOLVED by the City Council of the City of Bastrop, TX, on this, the 23rd day of August, 2018.

APPROVED:


Connie B. Schroeder, Mayor

ATTEST:


Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit "A"

**INTERLOCAL AGREEMENT FOR THE REVIEW OF
SUBDIVISION APPLICATIONS IN BASTROP COUNTY
AND IN THE CITY OF BASTROP'S
EXTRATERRITORIAL JURISDICTION**

County Records Document 200601338
Filed on January 30, 2006

(Note: Insert Interlocal Agreement after this page)

**AMENDMENT #1
TO THE INTERLOCAL AGREEMENT FOR THE REVIEW
OF SUBDIVISION APPLICATIONS IN BASTROP COUNTY
AND IN THE CITY OF BASTROP'S EXTRATERRITORIAL
JURISDICTION**

This Amendment #1, which is made to the Interlocal Agreement that was effective on January 10, 2006, is entered into and made in accordance with the provisions of Texas Local Government Chapter 242, and Texas Government Code Chapter 791, by and between the City of Bastrop, Texas ("City"), and the County of Bastrop, Texas ("County").

1. Section III. (Agreement of the Parties) 1.(Subdivision Review and Approval Jurisdiction) B. (Area B) is hereby amended by inserting the following at the end:
 - a. Prior to the County's approval of any application for a subdivision plat or related permit that is covered by the Agreement and that falls within Area B:
 - (1) The applicant must request and participate in a pre-submission meeting with the County Director of Engineering and CIP, and the County Planner; and
 - (2) The applicant must submit to the County a signed, sealed and dated letter from a registered engineer certifying that they have personally reviewed the topography and completed a field investigation of the existing and proposed flow patterns for stormwater runoff from the subject development to the main stem of all creeks that may impact the project, and allowable build-out conditions, restrictive covenant or plat note, that the stormwater flows from the subject development will not cause any additional adverse flooding impacts for storms of magnitude up through the one-hundred (100) year event.
 - b. No applications for a subdivision plat or related permit that is covered by the Agreement and that falls within Area B may be approved by the County except as provided above, unless the project meets one of the following Exceptions:
 - (1) No Impact Projects. The requirements of this Agreement do not apply to a project that does not: (a) increase horizontal density, (b) increase or impact impervious cover, (c) expand the footprint of an existing structure, or (d) alter the current drainage pattern on the property.

(2) Ongoing Projects. The requirements of this Agreement do not apply to any projects for which construction is currently, actively in progress and for which valid County permits have been issued and have not expired (as of the date of this temporary moratorium).

(3) Grandfathered Projects. The requirements of this Agreement do not apply to projects that are grandfathered under as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the County Planner for review in accordance with County policy and state law.

2. Section III. (Agreement of the Parties) Section 2. (Term and Future Amendment of the Agreement) is hereby amended by inserting the following at the end:

Upon expiration of the initial term of this Agreement, the Agreement shall automatically renew for additional one-year periods and continue to remain in full force and effect until either the City or the County provides written notice to the other party of an intention to discontinue the Agreement, after which the Agreement shall terminate on the thirtieth (30th) date of the date of the notice. In no instance shall the Agreement extend beyond November 21, 2018, that being ninety (90) days from the date of the enactment of this Amendment #1, without the written consent of the City and the County.

3. This Amendment #1 is to be effective immediately upon execution by both parties.

CITY OF BASTROP:

by: 
Connie Schroeder, Mayor

August 23, 2018

COUNTY OF BASTROP:

by: _____
Paul Pape, County Judge

August ____, 2018