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## CITY COUNCIL WORKSHOP CITY OF FAIR OAKS RANCH, TEXAS

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AGENDA TOPIC: Old Fredericksburg Road Interlocal Governmental Agreement with Bexar County

DATE: November 7, 2024

DEPARTMENT: Administration

PRESENTED BY: Scott M. Huizenga, ICMA-CM, City Manager

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### **INTRODUCTION/BACKGROUND:**

In January 2024, Bexar County informed the City of Fair Oaks Ranch that it would cease maintaining the section of Old Fredericksburg Road between I-10 and Dietz Elkhorn Road. The County's position is that this section of the road should have been annexed by the City in 2017, following the City's annexation of nearby areas. However, the City maintained that no formal annexation of the road occurred and, therefore, the road is not the City's responsibility.

Chapter 43 of the Local Government Code states:

"Sec. 43.106. ANNEXATION OF COUNTY ROADS REQUIRED IN CERTAIN CIRCUMSTANCES.  
(a) A municipality that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road."

The City annexed the portions east of Old Fredericksburg from I-10 to Dietz Elkhorn Road in 2017. However, the road itself, and the properties to the west of Old Fredericksburg Road, were within the City of San Antonio Extraterritorial Jurisdiction (ETJ). The City confirmed through discussions with the City of San Antonio that Old Fredericksburg Road is within the San Antonio ETJ, which is also shown on its ETJ maps. LGC 43.106 does not address roads that are already within the jurisdiction of another local government.

On June 28, 2024, the City Manager sent a letter to Bexar County Commissioner Grant Moody proposing a cost-sharing agreement for road maintenance. The letter emphasized the deteriorating condition of Old Fredericksburg Road, which has significant potholes and deterioration with further damage resulting from a SAWS utility project, which was approved by Bexar County in 2022.

Commissioner Moody and Mayor Maxton, along with staff from both jurisdictions, met in September to outline the terms of a draft Interlocal Agreement (ILA), which is attached. The City now seeks City Council direction on formalizing an Interlocal Agreement (ILA) with Bexar County to share the cost of road reconstruction, with Bexar County covering two-thirds of the costs and the City covering one-third. The City would then assume long-term maintenance responsibilities following the road's reconstruction. The ILA does not address ownership of the road.

The current reconstruction estimate is \$1 million, and Bexar County would manage the project under its existing contracts.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

- Aligns with Priority 3.4 of the Strategic Plan to Enhance and Ensure Reliable Roadway Improvement Initiatives.
- Demonstrates regional cooperation between the City and Bexar County to address infrastructure challenges while fostering a smooth and mutually beneficial resolution
- Addresses long-term safety and reliability concerns of Old Fredericksburg Road that have not been adequately addressed under Bexar County maintenance.

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

The City's share of the project is an estimated at \$333,000 based on a \$1 million project. The City currently has an estimated \$2.1 million in Unallocated Fund Balance.