

INTERLOCAL AGREEMENT

STATE OF TEXAS §

COUNTY OF ERATH §

This INTERLOCAL AGREEMENT (“Agreement”) is entered into in accordance with the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, and Section 242.001, Texas Local Government Code, by and between the City of Stephenville, Texas (“Stephenville”), a political subdivision of the State of Texas and County of Erath, Texas (“Erath County”), 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, Stephenville and Erath 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, Section 242.001, Texas Local Government Code, requires Stephenville and Erath 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 Stephenville; and

WHEREAS, Section 242.001, Texas Local Government Code, allows Stephenville and Erath County to agree that there be joint subdivision regulation review within Stephenville’s ETJ, whereby Stephenville and Erath County jointly review plats under the authority. This option requires Stephenville and Erath County to agree on the following items:

1. A single office is designated where plats are filed for subdivisions within the ETJ;
2. A single plat application fee be established and the allocation of the fee revenue;
3. A process be established whereby developers get one plat response of approval or disapproval for their plat application; and
4. A single, unified and consistent set of regulations for plats be established and enforced in the ETJ.

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


1. All plat applications for land located in the extraterritorial jurisdiction (“ETJ”) of Stephenville shall be submitted to the Community Development Department of the City of Stephenville at 298 West Washington, Stephenville, Texas.
2. The following application fees will be paid at the time the plat application is submitted to the Community Development Department:
 - Plat application fees shall be set annually by the City Council.
 - Erath County will receive one-half of the plat application fees.

3. The Community Development Department of the City of Stephenville will be provided five (5) copies of the preliminary plat, and Erath County will be provided five (5) copies of the preliminary plat also, within the Stephenville ETJ for their review process. Erath County will provide written comments to the Community Development Department within 30 days from the date submitted.
4. The developer will receive all responses concerning the plat application and its approval or disapproval from the Community Development Director, or his/her designee, for the City of Stephenville.
5. The final plat shall conform to the preliminary plat as approved and incorporate all changes and modifications. The Community Development Department of the City of Stephenville will be provided three (3) paper copies and one (1) mylar copy of the final plat. Erath County will also be provided four (4) paper copies and one (1) mylar copy of the final plat. Erath County will provide written comments to the City of Stephenville on the approval or disapproval of the final plat.
6. There shall be joint regulations of all subdivision of land within the Stephenville ETJ. Stephenville may regulate subdivisions under Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities, and Erath County may regulate subdivisions under Chapter 232 of the Texas Local Government Code and other statutes applicable to counties. If the regulations conflict, the more stringent applies.
7. Should Stephenville expand or reduce its ETJ, Stephenville shall promptly notify Erath County of such expansion or reduction so that this Agreement may be amended to take into account the expansion or reduction in Stephenville's ETJ. This Agreement shall be automatically amended to reflect any expansion or reduction in Stephenville's ETJ by Stephenville providing to Erath County an updated ETJ map.
8. Miscellaneous Items:
 - a. 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.
 - 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 Erath 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.

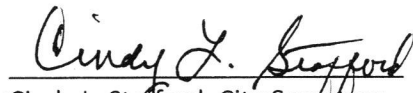
- e. The Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither Stephenville nor Erath County waives any immunity or defense that would otherwise be available to it against claims by third parties.
- f. This Agreement may be jointly reviewed and updated at the written request of either Stephenville or Erath County to ensure an updated perpetual agreement.
- g. This Agreement shall be effective on the 8th day of August, 2008.

APPROVED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS, in its meeting held on the 7th day of March, 2006, and executed by its authorized representative.

CITY OF STEPHENVILLE, TEXAS


Nancy A. Hunter, Mayor

ATTEST:

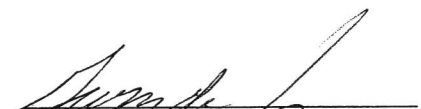

Cindy L. Stafford, City Secretary

APPROVED BY THE COMMISSIONERS COURT FOR ERATH COUNTY, TEXAS, in its meeting held on the 2nd day of September, 2008, and executed by its authorized representative.

ERATH COUNTY, TEXAS


Tab Thompson, County Judge

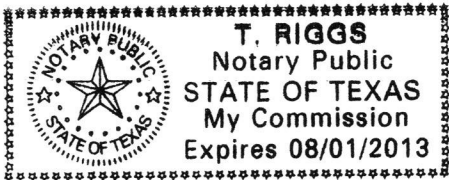
ATTEST:


Gwinda Jones, County Clerk

STATE OF TEXAS §

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This instrument was acknowledged before me on September 5, 2008 by NANCY A. HUNTER, Mayor of the City of Stephenville, a municipal corporation, by and on behalf of said corporation.



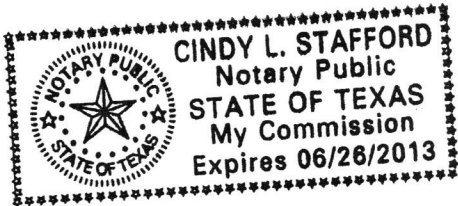
T. Riggs

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF ERATH §

This instrument was acknowledged before me on September 5, 2008 by TAB THOMPSON, Judge of the County of Erath, State of Texas, by and on behalf of said county.



Cindy L. Stafford

Notary Public, State of Texas