

**INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF SAN ANGELO, TEXAS
AND TOM GREEN COUNTY PROVIDING FOR SUBDIVISION REGULATION
WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY**

This Agreement is made by and between the City of San Angelo, Texas, a home rule city located within Tom Green County, Texas ("City") and Tom Green County, Texas, a political subdivision of the State of Texas ("County), and is authorized under Chapter 242 of the Texas Local Government Code. This Agreement supersedes and replaces the Agreement Providing for Subdivision Regulation delegating authority for regulation of subdivision plats within designated portions of the City's extra territorial jurisdiction to the City, approved by the Tom Green County Commissioners Court on December 16th of 2003, and approved by the City Council for the City of San Angelo on February 18th, 2004.

WHEREAS, the regulation of subdivisions of land is a governmental function of cities and counties administered pursuant to Chapters 212 and 232 of the Texas Local Government Code; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has statutory authority to adopt rules governing plats and subdivisions of land, both within its corporate limits and its extraterritorial jurisdiction (herein referred to as the "ETJ"); and

WHEREAS, pursuant to Chapter 232 of the Texas Local Government Code, the County has statutory authority to adopt rules governing plats and subdivisions of land in the areas of the County lying outside the limits of a municipality, including the area within the extraterritorial jurisdiction of the City; and

WHEREAS, Chapter 242 of the Texas Local Government Code prohibits requiring a person who intends to subdivide land within the extraterritorial jurisdiction of a municipality to submit plats to and obtain related permits from both the municipality and county; and

WHEREAS, Chapter 242 of the Texas Local Government Code further requires certain counties and municipalities to execute a written agreement that identifies the governmental entity authorized to regulate subdivision plats in the extraterritorial jurisdiction of the municipality; and

WHEREAS, the parties desire to delegate the authorization for regulation of subdivision plats in the entire extraterritorial jurisdiction of the City as it now exists or as it may be extended in the future under state law;

NOW, THEREFORE, In consideration of the mutual premises contained herein the parties to this Agreement hereby contract, covenant and agree as set forth below:

1. The City and the County agree that the City is hereby authorized to exercise exclusive jurisdiction to regulate subdivision plats and approve related permits in the entire extraterritorial jurisdiction of the City as it now exists or as it may be extended in the future under state law.
2. The City agrees that it will provide the County with a copy of all current rules and regulations of the City applicable to subdivision of property within the ETJ, and further

agrees that if it amends any rule or regulation pertaining to subdivision of property within its ETJ it will provide a copy of the amended rule or regulation to the County.

3. The City agrees that upon receipt of any application or request for subdivision of property within its ETJ, it will give notice of the application or request to the County and provide the County an opportunity to comment on the application or request before consideration of the application or request.

4. As required by Section 242.001(c) of the Texas Local Government Code, the City agrees to notify the County of any expansion or reduction in the City's extraterritorial jurisdiction.

5. The City and County recognize that the assignment or modification of official 911 addresses is often part of the building permit process, and that the City does not issue building permits within the ETJ. As such, the City and the County agree that the County is hereby authorized and given exclusive jurisdiction to assign and modify official 911 addresses within the ETJ. In addition, the County agrees that it will give notice of all addressing assignments or modifications to the City for the City's use in maintaining official GIS maps of the ETJ.

6. The City specifically agrees that, because it desires to have the authority to regulate subdivisions of land within its ETJ, the authority to do so is adequate consideration for the performance of its obligations under this Agreement.

7. The County specifically agrees that, because it does not desire the responsibility of regulating subdivisions of land within the ETJ, being relieved of this responsibility is adequate consideration for its relinquishment of any statutory right to do so.

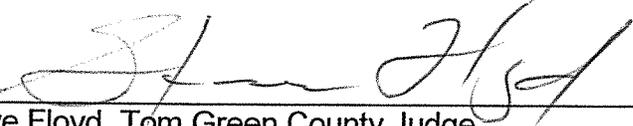
8. This Agreement does not extend the liability of the parties or create any rights in third parties not party to this Agreement. Neither the City nor the County waives any immunity or defenses available to it against claims made by third parties.

9. The term of this Agreement is for one year from and after the 1st day of April, 2014, the effective date. This Agreement will automatically be extended annually for successive one year terms unless terminated by a party to the Agreement as herein provided.

10. Either party to this Agreement may terminate the Agreement without cause by notifying the other party not later than 45 days prior to the expiration of the then current term that the Agreement will terminate at the expiration of that term. However, both parties understand and agree that the right to terminate this Agreement does not avoid the statutory duty of the County and City to have a written agreement providing for subdivision regulation within the City's extraterritorial jurisdiction.

IN WITNESS WHEREOF, this Agreement is executed by the officials of each party first being duly authorized by their respective governing bodies.

AGREED to and ADOPTED by the Commissioners Court of Tom Green County, Texas, on the 18th day of April, 2014.



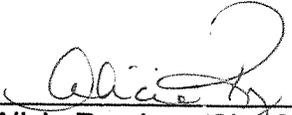
Steve Floyd, Tom Green County Judge

AGREED to and ADOPTED by the City Council of San Angelo, Texas, on the 18th day of March, 2014.



~~Dwain Morrison, Mayor~~ ⁽³⁾
Daniel Valenzuela, City Manager

ATTEST:



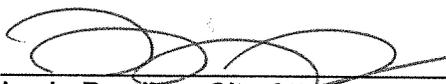
Alicia Ramirez, City Clerk

Approved as to Content:

Approved as to Form:



AJ Fawver, AICP, Planning Manager



Lysia Bowling, City Attorney

#2014-04-047

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO BY AMENDING CHAPTER 12, EXHIBIT "C" LAND DEVELOPMENT SUBDIVISION ORDINANCE BY: (1) AMENDING CHAPTER 3 ENTITLED "DEFINITIONS" BY REDEFINING CERTAIN TERMS AND DEFINING NEWLY ADDED TERMS; (2) AMENDING CHAPTER 4 ENTITLED "CLASSIFICATION OF SUBDIVISIONS" BY AMENDING SECTION II ENTITLED "MINOR SUBDIVISION (OR RESUBDIVISION)", ADDING A PROVISION FOR CERTAIN SUBDIVISIONS LAYING OUT SPACES FOR MANUFACTURED HOUSING PARKS, MOBILE HOME PARKS OR RECREATIONAL VEHICLE PARKS; (3) AMENDING CHAPTER 5 ENTITLED "PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS" SECTION III ENTITLED "STAGES OF DEVELOPMENT REVIEW" BY RESTATING SUBPART "B" "MINOR SUBDIVISIONS" TO ADD A PROCESS FOR PLAT APPROVAL OF MANUFACTURED HOUSING PARK, MOBILE HOME PARK AND RECREATIONAL VEHICLE PARK SPACES; AND (4) AMENDING CHAPTER 9 ENTITLED "SUBDIVISION DESIGN POLICIES", SECTION I ENTITLED "LOTS" BY RESTATING PARAGRAPH 1. "ZONING REQUIREMENTS" OF SUBPART "B" "LOT DIMENSIONS", AMENDING SECTION III ENTITLED "STREETS AND ROADS", SUBPART "A" "GENERAL DESIGN GUIDELINES", RESTATING PARAGRAPH 1. "PUBLIC ACCESS" PROVIDING FOR ACCESS TO PARK SPACES FROM INTERNAL STREETS, AND ADDING A NEW PARAGRAPH 7 ENTITLED "MANUFACTURED HOME PARK, MOBILE HOME PARK AND RECREATIONAL VEHICLE PARK DEVELOPMENTS", PROVIDING PAVING STANDARDS AND PROHIBITING PRIMARY ACCESS FROM CERTAIN STREETS, AND AMENDING SECTION VIII ENTITLED "STREET NAME SIGNS" BY ADDING A PROVISION FOR STREET SIGNAGE ON INTERNAL SUBDIVISION STREETS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS:

Section 1. That Chapter 12, Exhibit "C" "Land Development Subdivision Ordinance" is hereby amended by amending Chapter 3 "Definitions" by:

(a) repealing the following definitions in their entirety:

Mobile Home - Any vehicle without motive power, designed for transportation after fabrication on streets or highways, which arrived at the site where it is to be occupied complete and ready for occupancy other than for location on jacks or other temporary or permanent foundations and connections to utilities.

Mobile Home Park - A contiguous parcel of land with required improvement and utilities for the accommodation of occupied mobile homes which may include services and facilities for the residents.

Mobile Home Space - A designated parcel of land for the placement of a single mobile home and the exclusive use of its occupants, and not located on a mobile home sales lot.

Mobile Home Subdivision - A tract of land which is to be, or has been divided or partitioned into two (2) or more lots or parcels of any size for residential use by a subdivider or his agent for the purpose of sale and occupancy with mobile home units. The term "subdivision" includes resubdivision and, when appropriate to the context, relates to the process of subdividing or land subdivided.

Plat - A map, plan or layout of a city, section, survey, subdivision, manufactured housing development, or any part thereof, indicating the location and boundaries of individual properties.

Subdivision - The division of land into two or more parts for any one or more of the following purposes: laying out a subdivision of the tract; laying out an addition to the city; laying out suburban lots, building lots, or other lots; or laying out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other said parts. The term subdivision shall include resubdivision; however, this definition shall expressly exclude the division of property in the following situations:

- A. The division of property by judicial decree or will.
- B. The division of property solely by virtue of abandoning a street or alley, or solely by the acquisition of right-of-way by a political subdivision for public purposes.

and (b) adding the following definitions:

Extraterritorial Jurisdiction, or ETJ, is the unincorporated area contiguous to the corporate boundaries of the city and located within that distance applicable under Chapter 42, Section 42.021 of the Texas Local Government Code.

Internal street is a private way within a Park which affords the principal means of access to individual manufactured home spaces, mobile home spaces or recreational vehicle spaces, or to auxiliary buildings or common facilities in the Park development. An internal street shall be paved with an approved surface per Chapter 8 of the Zoning Ordinance or per Chapter 10 of the Subdivision Ordinance.

Manufactured Housing Park is a unified development on a contiguous parcel of land a minimum of ten acres in size that is designed or improved for the purpose of renting or leasing two or more manufactured home spaces or manufactured home are for temporary or permanent housing. Manufactured housing parks may include a limited number of recreational vehicle spaces as permitted under Chapter 12, Exhibit "A" of the Code of Ordinances of the City of San Angelo.

Manufactured Housing Space is a portion of ground within a Manufactured Housing Park fronting on an internal or private street and designed or intended for the accommodation of one manufactured home, together with such open space for the exclusive use of its occupants as is required by this article and that is not located on a Manufactured Home sales lot. The minimum lot size for any Manufactured Housing space shall be:

- a. Two thousand four hundred square feet, with a minimum lot dimension of 34 feet if designed to accommodate a single or double wide Manufactured Home not exceeding 960 square feet within its walls.
- b. Three thousand six hundred square feet, with a minimum lot dimension of 40 feet if designed to accommodate a single, double or triple wide Manufactured Home exceeding 960 square feet within its walls.

Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site is three hundred twenty square feet (320 S.F.) or more, and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems

Mobile Home Park is a unified development on a contiguous parcel of land a minimum of ten acres in size that is designed or improved for the purpose of renting or leasing two or more mobile home spaces with or without Mobile Homes where the spaces for a Mobile Home and Mobile Homes are for temporary or permanent housing. Mobile Home Parks may include a limited number of Recreational Vehicle Spaces if permitted under Chapter 12, Exhibit "A" of the Code of Ordinances of the City of San Angelo. The maximum density shall not exceed ten spaces per gross acre within the Park, excluding easements and utility right-of ways.

Mobile Home Space is a portion of ground within a Mobile Home Park designed or intended for the accommodation of one Mobile Home, together with such open space for the exclusive use of its occupants as is required by this article and that is not located on a mobile home sales lot. The minimum lot size for any Mobile Home space shall be:

- a. Two thousand four hundred square feet, with a minimum lot dimension of 34 feet if designed to accommodate a single or double wide Mobile Home not exceeding 960 square feet within its walls.

- b. Three thousand six hundred square feet, with a minimum lot dimension of 40 feet if designed to accommodate a single, double or triple wide Mobile Home exceeding 960 square feet within its walls.

Park is a Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park as defined under this article.

Plat is a map, plan or layout of a city, section, survey, subdivision, Park development, or any part thereof, indicating the locations and boundaries of individual properties, tracts, lots or spaces, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other said parts.

Recreational Vehicle Park is a unified development on a contiguous parcel of land a minimum of ten acres in size that is designed or improved for the purpose of renting or leasing two or more Recreational Vehicle spaces with or without Recreational Vehicles for temporary, except as specifically permitted under Chapter 12, Exhibit "C", Section 407 of this code .

Recreational Vehicle Space is a portion of ground within a Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park designed or intended for the accommodation of one Recreational Vehicle, together with such open space for the exclusive use of its occupants as is required by this article and that is not located on a Recreational Vehicle sales lot. A Recreational Vehicle space shall have a minimum of 1500 square feet, but maximum density shall not exceed ten spaces per gross acre within the Park, excluding easements and utility right-of ways.

Subdivision - The division of land into two or more parts for any one or more of the following purposes: laying out a subdivision of the tract; laying out an addition to the city; laying out suburban lots, building lots, or other lots; or laying out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other said parts. The term subdivision shall include resubdivision or the laying out of two or more spaces for lease or rent for Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park; however, this definition shall expressly exclude the division of property in the following situations:

- A. The division of property by judicial decree or will.
- B. The division of property solely by virtue of abandoning a street or alley, or solely by the acquisition of right-of-way by a political subdivision for public purposes.
- C. The resubdivision of lots already represented on a recorded plat or replat, wherein all the following characteristics are present:
 1. no increase in the number of lots occurs;
 2. no reorientation of lots occurs;
 3. all resulting lots meet minimum requirements of the zoning ordinance; and
 4. any new boundary of a tract resulting from said resubdivision can be described by an offset of a platted lot boundary.

Section 2. That Chapter 12, Exhibit “C” Land Development Subdivision Ordinance” is hereby amended by amending Chapter 4 “Classification of Subdivisions”, restating Section II “Minor Subdivision (or Resubdivision)” in its entirety to read as follows:

CHAPTER 4 CLASSIFICATION OF SUBDIVISIONS

SECTION II: MINOR SUBDIVISION (OR RESUBDIVISION)

(a) A subdivision or resubdivision may be classified as minor, if it meets all the following criteria:

- A. No new street rights-of-way shall be proposed or required to serve the lots or tracts resulting from subdivision, or which may be required by an adopted public plan for streets; however, marginal dedications of land onto existing street rights-of-way may be permitted in subdivisions (or resubdivisions) otherwise classified as minor.
- B. The subdivision includes the total contiguous tract of land owned or under control of the subdivider.
- C. The Director of Public Works or his designated representative has indicated that no detailed drainage or utility plans will be required in conjunction with proposed subdivision development.

(b) A subdivision or resubdivision may be classified as minor if the plat of said subdivision or resubdivision includes the laying out of two or more spaces for lease or rent for Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park, and otherwise meets the requirements of a Minor Subdivision set forth at subpart (a) of this Section II of Chapter 4, of Chapter 12, Exhibit “C” of this Code.

Section 3. That Chapter 12, Exhibit “C” Land Development Subdivision Ordinance” is hereby amended by amending Chapter 5 “Procedural Requirements for Processing Subdivisions”, restating Section III, subpart “B” “Minor Subdivisions “, in its entirety to read as follows:

CHAPTER 5 PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS

SECTION III: STAGES OF DEVELOPMENT REVIEW

B. Minor Subdivisions. The stages of review for a minor subdivision shall be the same as for a major subdivision, except the preliminary plat may be omitted. However, if issues and concerns arise which cause the City Planning Commission to determine that reconsideration of the subdivision at a subsequent Commission meeting is necessary, then preliminary approval only may be granted. Plat approval for the designation of spaces pursuant to Chapter 4, Section II (b) of Chapter 12, Exhibit “C: of this Code shall be considered and processed as minor subdivisions.

CHAPTER 9 SUBDIVISION DESIGN POLICIES

SECTION I: LOTS

B. Lot Dimensions.

1. Lot or Space Requirements.

- (a) Lot or space dimensions shall comply with the minimum standards of the Zoning Ordinance for the type of development proposed. Lot or space size shall also depend upon the type of water supply system and/or type of wastewater disposal system proposed, as contained within the On-Site Waste Disposal Ordinance.
- (b) With respect to Manufactured Housing Park, Mobile Home Park or Recreational Vehicle Parks, the maximum density shall not exceed ten spaces per gross acre, including easements and utility right-of ways, and the subdivision shall consist of a minimum of ten contiguous acres. Within the ETJ, no space within a Manufactured Housing Park, Mobile Home Park or Recreational Vehicle Park shall be closer than one hundred feet (100') from the perimeter of the Park.
- (c) Placement of any RV shall occur only on a surface which is sufficient to support the weight of the unit, and which shall consist of one or a combination of the following materials:
 - a. paved surface as defined in Chapter 8 of the Zoning Ordinance,
 - b. 4" base of crushed granite or limestone, or
 - c. 2" of pavement millings.

SECTION III: STREETS AND ROADS

A. General Design Guidelines. All streets shall be improved to the minimum standards as defined in Chapter 10, for the type of subdivision proposed, and shall be properly integrated with the existing and proposed system of streets, roads and other dedicated rights-of-way.

1. Public Access. No lot shall be created in any subdivision or resubdivision unless the lot has direct abutting access to an approved, accepted and publicly dedicated street right-of-way. No Park space shall be created in any subdivision or resubdivision unless the space has direct abutting access to an approved internal street.
7. Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park developments:

- a. Roads connecting the facility to the publicly dedicated right-of-way and within the facility shall be paved with a Paved Surface or Paving as defined in Chapter 8 of the Zoning Ordinance and as outlined in the city's Specifications and Details for the corresponding street classification as shown on the Thoroughfare Plan. For roads within the city's Extraterritorial Jurisdiction (ETJ), the city's Specifications and Details must be followed.
- b. Primary access to the site shall not be allowed under any circumstance from a local street as indicated in the City of San Angelo Thoroughfare Plan.

SECTION VIII: STREET NAME SIGNS

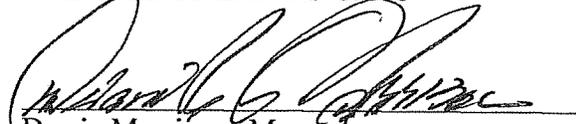
- (a) The City of San Angelo installs and maintains street name signs on public streets within the City Limits. The street name signs are installed at the intersection and are spelled according to the subdivision plats. The signs will be installed after curbs and pavement have been completed.
- (b) Within a Park subdivision, the property owner shall install and maintain street name signs approved by the City on all internal streets within the subdivision at intersections with other public or internal streets.

Section 5. That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 6. This ordinance shall be effective from and after its adoption.

INTRODUCED on the 1st day of April, 2014, and finally PASSED, APPROVED
AND ADOPTED on this the 15th day of April, 2014.

THE CITY OF SAN ANGELO


Dwain Morrison, Mayor

ATTEST:


Alicia Ramirez, City Clerk



APPROVED AS TO CONTENT

APPROVED AS TO FORM

Patrick Howard
Development Services Director



Lysia H. Bowling
City Attorney