



# City Council Agenda Item Summary Report

**Meeting Date:** May 19, 2020

**Submitted by:** Jon Thatcher, City Attorney

**Consent**

**Public Hearing**

**Action Item X**

**Item Title:** Discuss and consider a Resolution approving an Interlocal Cooperation Agreement between the City of Forney and Kaufman County pursuant to Section 242.001 of the Texas Local Government Code for the regulation of subdivision plats and related permits in the extraterritorial jurisdiction of the City of Forney.

**How this item ties-in with the City's Mission, Vision and Values:** The City of Forney elected officials and staff are accountable to the citizens in providing effective and efficient delivery of services.

## Summary Statement

The intent of the City subdivision rules and regulations are to guide the growth of the City in an orderly manner, to provide attractive and planned subdivisions, and to ensure the provision of adequate streets, utilities and building sites. Consistent application of these regulations insures that land developed today will not become a burden on the general public in the future.

Under Chapter 212 of the Texas Local Government Code, the City is empowered to adopt rules that govern plats and subdivisions of land within the City and with the ETJ. The City's Subdivision Ordinance states that this ordinance shall govern all subdivision of land within the City and within the ETJ. Under Chapter 242 of the Texas Local Government Code, cities and counties must enter into an Interlocal Agreement granting review and approval authority of subdivisions in the ETJ to allow for clarity of process to the individual applicant/developer. Currently, the City of Forney and Kaufman County have such an agreement in place.

The agreement outlines the duties of both the City and the County regarding subdivision regulations in the City's ETJ. Under this agreement, the City of Forney is responsible for enforcing its subdivision regulations within its ETJ. Kaufman County agrees that it shall not enforce its subdivision regulations within the ETJ of the City.

The proposed agreement would supersede the current agreement for subdivision regulations in the ETJ. The proposed agreement provides additional detail regarding certain items including road development and acceptance as well as floodplain regulation controls. Such matters are not clearly outlined in the current agreement.

As proposed, the City will be the controlling authority for floodplain controls within the City's ETJ. Additionally, the City will continue to enforce its subdivision rules and regulations in its ETJ. However, for any streets not to be considered private streets in a new subdivision, the County shall review the plans for all streets as they will be tasked with accepting the thoroughfares not in the City's corporate limits for maintenance purposes and responsibilities. The agreement requires clear and additional communication between the parties when there is proposed development in the City's ETJ.

The proposed agreement will carry a term until December 31, 2021, where it will renew for additional two year periods unless otherwise terminated by the parties as provided for in the agreement.

Staff recommends approval of the agreement.