

RESOLUTION NO. R-31-2002

**RESOLUTION OF THE VILLAGE OF WIMBERLEY
REGARDING THE REGULATION OF PLATS AND THE
SUBDIVISION OF LAND IN THE EXTRATERRITORIAL
JURISDICTION**

WHEREAS, the Texas Interlocal Cooperation Act allows local governments to contract with one another to perform governmental functions such as platting and approval of related permits, and the Village of Wimberley and Hays 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, House Bill 1445, codified as Texas Local Government Code, Chapter 242, requires the Village and the County to enter into a written agreement that identifies the governmental entity that shall be authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction ("ETJ") of the Village; and

WHEREAS, Texas Local Government Code, Chapter 242 allows the Village and the County to agree that the Village may be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in the ETJ and may regulate subdivisions under Chapter A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities; and

WHEREAS, the City Council of the Village of Wimberley desires to protect the natural resources within the Village and its ETJ and provide for the orderly growth and development of the community and to protect the cultural and historically unique attributes of the Village; and

WHEREAS, the City Council consistently appoints residents of the Village's ETJ to serve on numerous citizen advisory boards within the municipality in order to give ETJ residents a voice at City Hall and receive input and feedback from ETJ residents on the formation and administration of Village policies and procedures; and

WHEREAS, the Village has adopted an Interim Comprehensive Plan and is currently in the process of developing comprehensive plans for all aspects of land development and public infrastructure, including land use and construction, roadways, water and wastewater; and

WHEREAS, the adverse impacts of poorly constructed and maintained subdivisions developed in the ETJ shall have an immediate and proximate effect on the Village and can have implications on the Village's exercise of its annexation authority under Texas Local Government Code Chapter 43; and

WHEREAS, the Village has made a broad effort to provide a uniform and comprehensive regulatory structure for the management of growth and the preservation of the environment and places of historic and cultural significance through the enactment of regulations

governing the development and use of land, including zoning, subdivision regulations, building codes, flood damage prevention requirements, dam construction requirements, sign regulations, antenna tower restrictions, and fireworks and firearms limitations; and

WHEREAS, the laws of the State of Texas, particularly Chapter 51 of the Texas Local Government Code, grant municipalities such as the Village broad police powers including the statutory authority to take action that is for the good government, peace, or order of the municipality, or for the trade and commerce of the municipality; and

WHEREAS, the City Council expressly finds that the Village has adequate professional staff and has retained the necessary consultants and advisors to allow the Village to administer and enforce its land use regulations, particularly those involving the subdivision of land, in a fair and efficient manner; and

WHEREAS, the Hays County Commissioners Court has demonstrated a willingness to consent to certain municipalities exercising exclusive control over plats and subdivisions in the ETJ; and

WHEREAS, the City Council expressly finds that control over plats and the subdivision of land in the Village's ETJ is integral to the Village's comprehensive land use and development regulatory scheme and that the Village's exclusive regulation and control of the subdivision of land in the ETJ would serve a legitimate public purpose and be in the public interest.

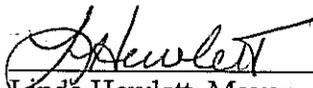
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF WIMBERLEY, TEXAS:

- 1. Village Granted Exclusive Jurisdiction.** The City Council hereby respectfully requests that the County Commissioners Court of Hays County agree to grant the Village of Wimberley exclusive jurisdiction to regulate all subdivision plats and approve all related permits in the Village's ETJ and to regulate subdivisions under Chapter A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities.
- 2. County Input.** The City Council is dedicated to strengthening its working relationship with Hays County. The City Council is also interested in continuing efforts at regional planning and the intergovernmental coordination of land development policies. Thus, the City Council is committed to seeking County input and feedback on a regular basis regarding Village regulations. The City Council proposes to conduct joint workshops with the County Commissioners Court and staff on the topic of regional growth and development, road construction and maintenance, and environmental protection.
- 3. Rule Amendments.** The City Council agrees to provide the County with copies of all current rules and regulations applicable to the regulation of the subdivision of property in the ETJ, and further agrees that, if the Village amends any such rule or regulation, the Village will provide a copy of the amended rule or regulation to the County.

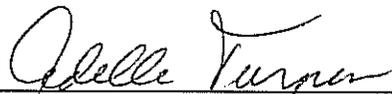
4. **Notice of Variances.** The City Council agrees that, if it receives any application or request for a significant and substantive variance or exception to a rule or regulation applicable to the subdivision of property within the Village's extraterritorial jurisdiction, the Village will give notice of the application or request to the County and provide the County with the opportunity to review and comment on the application or request prior to consideration of the application by the Village.
5. **Effective Date:** This Resolution shall take effect immediately from and after its passage.
6. **Proper Notice and Meeting:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this 4th day of April, 2002, by a vote of 4 ayes, 0 nays, and 0 abstentions of the City Council of the Village of Wimberley, Texas.

VILLAGE OF THE WIMBERLEY

By: 
Linda Hewlett, Mayor

ATTEST:


Adelle Turpen, City Secretary

APPROVED AS TO FORM:


Alan J. Bojorquez, City Attorney

Attachments Upon Passage:

- meeting agenda
- meeting minutes