EXCERPT FROM THE MINUTES OF THE HONORABLE COMMISSIONERS' COURT OF TOM GREEN COUNTY, TEXAS, MEETING IN REGULAR SESSION DECEMBER 16, 2003.

15. **Commissioner Weeks moved to accept the ETJ (Extraterritorial Jurisdiction) Boundary as presented by the City of San Angelo as instructed by HB 1444 that was adopted by the 78th Legislation for regulating County Subdivisions and Land Use. Commissioner Friend seconded the motion and all voted in favor.** (Recorded with these minutes.)

CERTIFICATE OF COUNTY CLERK

THE STATE OF TEXAS §
COUNTY OF TOM GREEN §

I, **ELIZABETH MCGILL**, the County Clerk and Ex-Officio Clerk of the Commissioners' Court of Tom Green County, Texas, do hereby certify that the foregoing is a true and correct excerpt of the Minutes of the Commissioners' Court, together with the **AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANGELO, TEXAS** as had and entered of record at the Regular Term, December 16, 2003. The excerpt appears of record in Volume 78, Page 377 and **AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANGELO, TEXAS** is filed of record in Volume 78 Page 388

I further certify that the said **AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANGELO, TEXAS** was accepted at a meeting open to the public and notice was given in advance thereof in such manner as to be in compliance with the provisions of Article 6252-17, Texas Revised Civil Statutes.

Witness my hand and seal of the Commissioners' Court of Tom Green County, Texas, on this the 22nd day of April, 2004.

By Gary M. Monico
By Gary M. Monico, Deputy Clerk
Elizabeth McGill, County Clerk and
Ex-officio Clerk of the Commissioners' Court of Tom Green County, Texas

AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF SAN ANGELO, TEXAS, WITHIN THE EXTRATERRITORIAL JURISDICITION OF THE CITY OF SAN ANGELO, TEXAS

This Agreement is made by and between the City of San Angelo, Texas, a municipality located within Tom Green County, Texas (hereinafter "the City") and Tom Green County, Texas, a political subdivision of the State of Texas (hereinafter "the County), as required by Section 242.001 of the Texas Local Government Code.

1. RECITALS

WHEREAS, the regulation of subdivisions of land is a governmental function, as set forth in 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 the limits and in the extraterritorial jurisdiction of the municipality; 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 a municipality; 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 the 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 and approve related permits in the extraterritorial jurisdiction;

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

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2. AGREEMENT

2.1 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 that part of the extraterritorial jurisdiction of the City which is described in the attached Exhibit "A" and which is incorporated herein by reference for all purposes, such described area is referred to hereinafter as the "Designated ETJ".

2.2 The City agrees that it will provide the County with a copy of all current rules and regulations applicable to subdivision of property within the Designated ETJ, and further agrees that, if it amends any rule or regulation pertaining to subdivision of property within its Designated ETJ, it will provide a copy of the amended rule or regulation to the County.

2.3 The City agrees that, if it receives any application or request for variance or exception to a rule or regulation applicable to subdivision of property within its Designated ETJ, it will give note 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.

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

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

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

2.7 This Agreement does not extend the liability of the parties. Neither the City nor the County waives any immunity or defenses available to it against claims made by third parties.

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3. TERMS OF AGREEMENT

The term of this Agreement is for one year from the date of execution, after which the Agreement will renew automatically for another term unless terminated. Either party to this Agreement may terminate the Agreement at the end of any term without cause, by notifying the other party not later than 45 days prior to the end of the 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, the governing bodies of both the City and the County have approved and adopted this Agreement and have caused this Agreement to be executed. It shall become effective upon the date that both parties have signed this Agreement.

AGREED to and ADOPTED by the Commissioners Court of Tom Green County, Texas, on the 16th day of December, 2003.

by _____
Mike Brown, County Judge, for the County

COURT, TOM GREEN COUNTY, TEXAS
COMMISSIONERS'

AGREED to and ADOPTED by the governing body for the City of San Angelo, Texas, on the 17th day of Feb, 2004.

by _____
Joseph W. Lown, Mayor, for the City

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EXHIBIT A

THE SPECIFIC BOUNDARY OF THE DESIGNATED EXTRATERRITORIAL JURISDICTION SURROUNDING THE CORPORATE LIMITS OF THE CITY OF SAN ANGELO, TEXAS, IN ACCORDANCE WITH STATE LAW

BEGINNING at the northwest corner of the east half of Section 25 in Llano County School Land Survey Number 964 in Tom Green County, Texas, said corner being situated approximately one mile north and one-half mile west from the intersection of Grape Creek Road and North U.S. Highway 87 in northwestern Tom Green County;

THENCE eastward across the north boundaries of Sections 25, 16, 13, 6 and 5 (in said Llano County School Land Survey Number 964) to the east line of right-of-way for Texas Highway 208, the same said highway being a projection of Armstrong Street inside the City limits of San Angelo;

THENCE southward along the east line of right-of-way for Texas Highway 208, to the point where said right-of-way line intersects the north line of right-of-way available for Red Creek Road;

THENCE eastward along the north line of right-of-way available for Red Creek Road and continuing along a direct eastward projection therefrom, to a point in the approximate centerline of the stream bed for Red Creek;

THENCE downstream in a generally southeastern direction, following the approximate centerline of the stream bed for Red Creek, across rights-of-way for North U.S. Hwy. 277 and for North U.S. Hwy. 67, extending all the way to the point where said stream bed intersects the west line of right-of-way available for City Farm Road in eastern Tom Green County, Texas;

THENCE in a generally southward direction following the west and north boundaries of right-of-way for City Farm Road, to the point where said City Farm Road intersects the west boundary of J. Peters Survey No. 336 in Tom Green County, Texas;

THENCE southward along the west boundary of said J. Peters Survey No. 336, across the Concho River; and continuing further southward along the west boundary of J. Beekman Survey Number 155 in Tom Green County, to the point where said boundary intersects the north line of right-of-way for Farm-to-Market Highway 380, the same said highway being a projection of Pulliam Street inside the City limits of San Angelo;

THENCE in a generally east/northeast direction along the north line of right-of-way for Farm-to-Market Highway 380, to the point where said right-of-way line intersects a

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direct northward projection from the east line of right-of-way available for Hohmann Road in eastern Tom Green County, Texas;

THENCE in a southward direction along said projected line, laterally across the width of right-of-way for Farm-to-Market 380, and continuing along the east line of right-of-way for Hohmann Road, to the north line of right-of-way available for an unnamed county road projecting perpendicularly east from Hohmann Road and situated generally north and west from Farm-to-Market Highway 388, the same said highway being a projection of Paint Rock Road inside the City limits of San Angelo;

THENCE in an eastward direction along the north line of said unnamed road's right-of-way, continuing in approximately the same eastward alignment along the north line of right-of-way for said Farm-to-Market Highway 388, to the point where said right-of-way line intersects a direct northward projection from the east line of right-of-way available for Olsak Road in eastern Tom Green County, Texas;

THENCE in a southward direction along said projected line, laterally across the width of right-of-way for Farm-to-Market Highway 388, and continuing along the east line of right-of-way available for Olsak Road, across the width of right-of-way for Farm-to-Market Highway 765; and,

THENCE, continuing in the same southward direction and along the east line of right-of-way available for Wilde Road, to the intersection of that right-of-way line (for Wilde Road) with the south boundary of a survey identified as Section 71 in S.P. Railroad Co. District 11 in Tom Green County, Texas, that same boundary believed to be on or near right-of-way for South U.S. Hwy. 87;

THENCE, westward along the south boundaries of surveys identified as Section 71 and 72 in S.P. Railroad Co. District 11 in Tom Green County, Texas, to a point where the south boundary of said Section 72 intersects the east line of right-of-way available for Mikulik Road in southeastern Tom Green County;

THENCE, southward along the east line of right-of-way available for Mikulik Road, to the point where that line intersects a direct westward projection from the south line of right-of-way available for Schwartz Road in south central Tom Green County;

THENCE, in a westward direction along said projected line, laterally across the width of right-of-way for Mikulik Road, and continuing along the south and east lines of right-of-way available for Schwartz Road, to a point where the south line of said right-of-way intersects the east line of right-of-way for South U.S. Hwy. 277 in south central Tom Green County;

THENCE, southward along the east line of right-of-way for South U.S. Hwy. 277, to the point where that line intersects the south boundary of Washington County School Lands

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Survey Number 103, said point believed to be near the intersection of South U.S. Hwy. 277 with rights-of-way for Walling Pecan Road (extending east of Highway 277) and Ranch-to-Market Highway 584 which extends west from Highway 277 in southern Tom Green County, Texas;

THENCE in a westward direction along the south boundary of Washington School Lands Survey Number 103, extending across the width of right-of-way for South U.S. Hwy. 277, across the South Concho River and across the top of Twin Buttes Dam which retains the Twin Buttes Reservoir, all in all a distance of approximately 36,600 feet, to the point where said south boundary of Washington County School Lands Survey Number 103 (in Tom Green County) intersects a direct southward projection from the east boundary of a survey identified as Section 6 in Blind Asylum Lands of Tom Green County, which said survey lies approximately seven miles north from the south boundary of Washington County School Lands Survey Number 103;

THENCE in a northward direction along said projected line, laterally across the width of Twin Buttes Reservoir, to a point at the intersection of said line with the south or east line of right-of-way for Twin Buttes Marina Park Road;

THENCE continuing in a generally westward or northward direction along the south or east line of right-of-way for Twin Buttes Marina Park Road, to the point where said line intersects the south boundary of a survey identified as Section 6 in Blind Asylum Lands of Tom Green County, Texas;

THENCE in a westward direction along the south boundary of said Section 6 in Blind Asylum Lands of Tom Green County, Texas, to the southwest corner of said Section 6;

THENCE in a northward direction along the west boundary of said Section 6 in Blind Asylum Lands of Tom Green County, past the northwest corner of said Section 6 and continuing in the same northward direction along the west boundaries of surveys identified as Sections 1 and 2 in Orphan Asylum Lands of Tom Green County, to a point at the northwest corner of said Section Number 2 in Orphan Asylum Lands, the same being the northeast corner of Section Number 3 in Orphan Asylum Lands of Tom Green County, Texas; and

THENCE continuing in the same northward direction, laterally across the width of J.B. Dale Survey Number 1 in Tom Green County, Texas, to the most proximate point on the north boundary of said J.B. Dale Survey Number 1, the same point being on the south boundary of the survey known as Section 2 in H. & T.C. R.R. Co. Block 4 in Tom Green County, Texas;

THENCE in an eastward direction along the south boundary of said Section 2 in H. & T. C. R.R. Co. Block 4, to a point at the southeast corner of said Section 2, the same point

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being the southwest corner of Section 1 in H. & T. C. R.R. Co. Block 4 in Tom Green County, Texas; and

THENCE continuing in the same eastward direction across the south boundary of said Section 1, to a point at the southeast corner thereof, the same point being at the southwest corner of A.B. & M. Survey Number 1 in Tom Green County, Texas;

THENCE in a northward direction along the west boundary of said A.B. & M. Survey Number 1 and continuing in the same northward direction along the west boundary of A.J. Taylor Survey Number 2, to a point at the northwest corner of said A.J. Taylor Survey Number 2 in Tom Green County, Texas;

THENCE in an eastward direction across the north boundary of the same A.J. Taylor Survey Number 2, to the point at which the north boundary of said Survey Number 2 intersects the west line of right-of-way for Farm-to-Market Highway 2288 in west central Tom Green County, Texas;

THENCE continuing in a northward direction with the west line of right-of-way for Farm-to-Market Highway 2288, to the point at which said right-of-way line intersects the northwest boundary of J.C. Bowman Survey Number 199 in Tom Green County, Texas;

THENCE in a northeastward direction along the northwest boundary of said J.C. Bowman Survey Number 199, past the northernmost northeast corner of said survey and continuing in the same northeastward direction across the width of O.C. Fisher Reservoir and along the northwest boundary of P. Wunderlich Survey Number 310 which said northwest boundary coincides with the southeast boundary of M. Engelman Survey No. 309 in Tom Green County, Texas, to the point where the northwest boundary of said P. Wunderlich Survey Number 310 intersects the southwest line of right-of-way available for Old Sterling City Highway (a.k.a. North Shore Drive) in northwest central Tom Green County, Texas;

THENCE in a northwestern direction with the southwest line of right-of-way available for Old Sterling City Highway, a.k.a. North Shore Drive, to the point where said right-of-way line intersects the approximate centerline of the stream bed for Bald Eagle Creek in northwestern Tom Green County, Texas;

THENCE in a generally northeastern direction, upstream and following the meanderings of the stream bed for Bald Eagle Creek, across the width of right-of-way for North U.S. Highway 87, to the intersection of said stream bed with the northeast line of right-of-way for North U.S. Highway 87;

THENCE in a generally southeast direction along the northeast line of right-of-way for North U.S. Highway 87, to the point where said line intersects a line dividing the east

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and west halves of Section 25 in Llano County School Land Survey Number 964 in Tom Green County, Texas;

THENCE northward with the west boundary of the east half of said Section 25, the same being the east boundary of the west half of said Section 25, to the POINT OF BEGINNING at the northwest corner of the east half of Section 25 in Llano County School Land Survey Number 964 in Tom Green County, Texas.

FILED FOR RECORD
2004 APR 22 AM 10: 54
ELIZABETH MCGILL
COUNTY CLERK
COUNTY OF TOM GREEN, TEXAS

STATE OF TEXAS }
COUNTY OF TOM GREEN }

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Tom Green County, Texas on

APR 23 2004

Elizabeth McGill

ELIZABETH MCGILL COUNTY CLERK
TOM GREEN COUNTY, TEXAS

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