



Office
of the
County Judge

February 24, 2025

Honorable Debbie Nash-King
Mayor, City of Killeen
PO Box 1329
Killeen, Texas 76540-1329

In re: Ch 242 Platting Agreement for the ETJ

Honorable Mayor Debbie Nash-King,

Please find enclosed two draft Interlocal Agreements relating to the charge counties and cities are given in Chapter 242 of the Local Government Code. That charge, as you may be aware, is for the county and the city to come to an agreement relating to who will approve plats in the extraterritorial jurisdiction of a city. (I have enclosed a copy of relevant portions of Ch. 242 for your ease of reference.)

As you may also be aware, the County was recently involved in litigation relating to an Interlocal Agreement on this matter. I have enclosed a copy of the Order from the Court relating to that litigation. The concerning part of the Order for the County is Paragraph 5. Paragraph 5 states 'accepting the maintenance of the streets in a subdivision is part of the platting process'.

Prior to this Order the County has always considered acceptance of the street maintenance (and any infrastructure maintenance associated with a plat) as a separate matter, apart from the approval of the plat. This Order clearly indicates the Court did not take such a view.

Accordingly, the Commissioners Court believes that our ILA's with all the cities needs to be amended to reflect the legal finding that plat approval and maintenance responsibilities for infrastructure are one and the same action. And, as such, we believe that whichever entity is the

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approving entity for the plat, should also accept maintenance responsibilities for the infrastructure associated with the plat.

There are two draft ILA's enclosed. One provides for the County to approve all plats in the ETJ and accept maintenance responsibilities for infrastructure associated with such. The other ILA provides for the City to accept maintenance responsibilities for infrastructure associated with such. From the Commissioners Court perspective, we don't care which draft is acceptable to the City. But, it needs to be one or the other. We believe it is not fair or right or acceptable for one entity to approve a plat and then bind another entity for maintenance responsibilities.

We would respectfully request your acceptance of one or the other ILA within the next 60 days. If we aren't able to execute one or the other ILA's, then the County will invoke the provisions of Ch.242 and seek arbitration for resolution of this matter.

We recognize that this has been, and is, a challenging environment as it relates to managing growth and development for both of us. The State has done neither of us any favors and, in many respects, forced us into this position. However, we are committed to managing growth and development in a manner that will be serve the interests of our residents.

Thanks.

Sincerely,



D. Blackburn
County Judge

Enclosures/ ILA's

cc: Kent Cagle, City Manager

