

STATE OF TEXAS                   §  
  §  
COUNTY OF HIDALGO           §

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN THE COUNTY OF HIDALGO AND  
THE AGUA SPECIAL UTILITY DISTRICT**

THIS Agreement is made on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the Agua Special Utility District, hereinafter referred to as "SUD" and the County of Hidalgo, Texas, hereinafter referred to as "County," pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

**WITNESSETH:**

**WHEREAS**, the SUD is a special utility district in Hidalgo and Starr Counties created under section 59, Article XVI of the Texas Constitution and Chapter 7201 of the Texas Special District Local Laws Code and operating in accordance with Chapters 49 and 65 of the Texas Water Code; and

**WHEREAS**, County is a county in the State of Texas;

**WHEREAS**, the SUD has entered into a Grant Agreement with the Texas Water Development Board to receive funds from the Economically Distressed Areas Program (EDAP) and the Colonia Wastewater Treatment Assistance Program (CWTAP) in order to construct a first-time wastewater service system in the Western portion of the SUD's service area (TWDB Project No. 10370); and

**WHEREAS**, construction of the wastewater service system will entail the placement of infrastructure under or through roads in Hidalgo County which are within the EDAP area, requiring the repaving of said roads; and

**WHEREAS**, the repair of damaged roadways is a Construction "Collection System" Activity under the TWDB Project No. 10370 so that grant funds are available to pay for the paving of roads under or through which the wastewater service system infrastructure has been installed; and

**WHEREAS**, the SUD desires to contract with the County pave roads damaged by the sewer service system construction in the EDAP area which are also located in Hidalgo County, which roads are identified in Attachment A hereto which is incorporated herein for all purposes;

**WHEREAS**, the County agrees it is in the best interest of its residents to provide such paving services to the SUD;

**WHEREAS**, the SUD and County are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act. TEX. GOV'T CODE ANN. § 791.001 et. seq., which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act.

**NOW THEREFORE**, the SUD and County, in consideration of the mutual covenants expressed hereinafter, agree as follows:

1. County agrees to pave all roads in Hidalgo County which are identified in Attachment A which have been damaged by the placement of the SUD's wastewater service system infrastructure ("the Project") by providing all labor and equipment necessary for the paving of the roads;
2. County agrees to provide all necessary materials and supplies for the road paving project, including but not limited to, caliche base, subgrade, sealant and striping, to complete the work.
3. County warrants that all work will be performed in a good and workmanlike manner, in accordance with this Interlocal Agreement and all applicable laws.
4. County shall also be responsible for all costs associated with engineering and surveying necessary for the road repairs.
5. The SUD and County shall coordinate work schedules in order to provide for minimal disruption of traffic and operation of the roads, and the County will complete the project within one hundred and eight (180) days of the date of this Agreement.
6. The SUD will pay County \$759,953 for all of the paving work required under the terms of this Agreement.
7. Upon completion of the Project, County will submit invoices to the SUD for the work performed, the SUD will have the opportunity to inspect the work within ten (10) business days of receipt of the invoices, and payment will be made within ten (10) business days after grant funds have been received by the SUD from TWDB for payment of the invoices.
8. County understands and agrees that payment for all work performed on the Project is contingent upon the availability of grant funds from the TWDB and that the Agua SUD has no direct responsibility for payment to the County if such funds are not available.
9. Funds will be applied for by the SUD on an as-incurred or advance-of-funds basis (the alternatives provided under the terms of the TWDB EDAP grant), at its discretion.



P.O. Box 758  
Edinburg, Texas 78540-0758

With copy to: Joe Flores, Commissioner, Precinct No. 3  
P.O. Box 607  
Mission, Texas 78573

If to SUD: Frank Flores  
General Manager  
Agua Special Utility District  
P.O. Box 4379  
Mission, Texas 78573-0075

Each notice, demand, request or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee or, if mailed, at such time as it is deposited in the United States mail.

17. **Additional Documents.** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.
18. **Successors.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this Agreement.
19. **Assignment.** This Agreement shall not be assignable.
20. **Headings.** The headings and captions contained in this Agreement are solely for convenience reference and shall not be deemed to affect the meaning or interpretation of any provision or paragraph hereof.
21. **Gender and Number.** All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and so often as may be appropriate.
22. **Authority to Execute.** The execution and performance of this Agreement by the SUD and County have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of the SUD and County in accordance with its terms.
23. **Governmental Purpose.** Each party hereto is entering into this Agreement for the purpose of providing for governmental services or functions and will pay for such services out of grant funds available to the paying party as herein provided.

**24. Commitment of Current Revenues Only.** In the event that during any term hereof, it becomes clear that the SUD cannot obtain grant funds to pay the County under this Agreement, then any party may terminate this Agreement upon ninety (90) days written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Gov't. Code Ann. §271.903.

**WITNESS THE HANDS OF THE PARTIES** effective as of the day and year first written above.

AGUA SPECIAL UTILITY DISTRICT

By: \_\_\_\_\_  
Mario Chapa, President, Agua SUD

ATTEST:

\_\_\_\_\_  
Everardo Chapa, Secretary, Agua SUD

HIDALGO COUNTY, TEXAS

By: \_\_\_\_\_  
Ramon Garcia, County Judge

ATTEST:

\_\_\_\_\_  
Arturo Guajardo, Jr., County Clerk

**AGUA SUD SEWER PROJECT HMAC DETAILS**

Pipe Size	30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)
Sheet	A4	81	874						955
Street Name	Guadalupe Flores Rd. / Villalon St. / Valadeces St.								
Sheet	A5		1000						1000
Street Name	Valadeces St.								
Sheet	A6		305					649	954
Street Name	Valadeces St.								
Sheet	A8				1000				1000
Street Name	Guadalupe Flores Rd.								
Sheet	A9				688				688
Street Name	Guadalupe Flores Rd.								
Sheet	A12							964	964
Street Name	Guadalupe Flores Rd.								
Sheet	A13							1000	1000
Street Name	Villalon St. / Camargo St.								
Sheet	A14							772	772
Street Name	Camargo St. / Escandon St.								
Sheet	C2				784				784
Street Name	U.S. 83 / El Pinto Rd.								
Sheet	C3				1000				1000
Street Name	El Pinto Rd.								
Sheet	C4				1000				1000
Street Name	El Pinto Rd.								
Sheet	C5				1000				1000
Street Name	El Pinto Rd.								
Sheet	C6					1000			1000
Street Name	El Pinto Rd. / Sullivan City Rd.								
Sheet	C7					1000			1000
Street Name	El Pinto Rd.								
Sheet	C8				570	430			1000
Street Name	El Pinto Rd.								
Sheet	C9					1000			1000
Street Name	El Pinto Rd.								

Pipe Size		30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)
Sheet	C10						1000			1000
Street Name	El Pinto Rd.									
Sheet	C11						1000			1000
Street Name	El Pinto Rd.									
Sheet	C12						463		537	1000
Street Name	El Pinto Rd.									
Sheet	C13								1000	1000
Street Name	El Pinto Rd.									
Sheet	C14								1000	1000
Street Name	El Pinto Rd.									
Sheet	C15								105	105
Street Name	El Pinto Rd.									
Sheet	C17						16	23		39
Street Name	U.S. - 83									
Sheet	C18							163		163
Street Name	U.S. - 83									
Sheet	C19							95		95
Street Name	U.S. - 83									
Sheet	C20							700		700
Street Name	Bogambilia St									
Sheet	C21								218	218
Street Name	Geranio st									
Sheet	C22								103	103
Street Name	8th street									
Sheet	C23								655	655
Street Name	5th street									
Sheet	C24								330	330
Street Name	5th street									
Sheet	C25								567	567
Street Name	6th street									
Sheet	C26								305	305
Street Name	6th street									
Sheet	C27								1000	1000
Street Name	Grisantomo Street									

Pipe Size	30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)	
Sheet	C28								397	397
Street Name	Grisantomo Street									
Sheet	C29								900	900
Street Name	CR-82A									
Sheet	C30								335	335
Street Name	CR-82A									
Sheet	C31								55	55
Street Name	Geranio st									
Sheet	C32								66	66
Street Name	Geranio st/no name									
Sheet	C33								40	40
Street Name	Flores road									
Sheet	C34								47	47
Street Name	Flores road									
Sheet	C35								42	42
Street Name	Flores road									
Sheet	C36								693	693
Street Name	9th street/rafeal st									
Sheet	C37								835	835
Street Name	Rafeal st/CR-64									
Sheet	C38								60	60
Street Name	No street name showing on sheet									
Sheet	C39								10	10
Street Name	No street name showing on sheet									
Sheet	C43								66	66
Street Name	No street name showing on sheet									
Sheet	C44								103	103
Street Name	No street name showing on sheet									
Sheet	C45								25	25
Street Name	PR - 319									
Sheet	C46								62	62
Street Name	PR-319									
Sheet	C47								79	79
Street Name	PR - 314									

Pipe Size	30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)	
Sheet	C48								175	175
Street Name	PR - 315									
Sheet	C49								75	75
Street Name	PR - 317									
Sheet	C50								73	73
Street Name	PR - 318									
Sheet	C53								15	15
Street Name	No street name showing on sheet									
Sheet	C54								1000	1000
Street Name	PR - 320									
Sheet	C55								1035	1035
Street Name	PR - 320									
Sheet	C56								18	18
Street Name	No street name showing on sheet									
Sheet	C58								18	18
Street Name	No street name showing on sheet									
Sheet	C59								263	263
Street Name	Cedro street									
Sheet	C60								565	565
Street Name	Cedro street									
Sheet	C61								55	55
Street Name	Huisache st									
Sheet	C62								94	94
Street Name	Fresno st									
Sheet	C63								44	44
Street Name	Ebony st									
Sheet	C64								994	994
Street Name	Huisache st									
Sheet	C65								76	76
Street Name	Olga St. / Vale St.									
Sheet	C66								268	268
Street Name	Vale St.									
Sheet	C67								68	68
Street Name	Viridiana st									

Sheet	30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)
C68 Obregon st				11					11
C69 Obregon Av.				250					250
C70 U.S. - 83			16						16
C71 Obregon Av. / Ebony Circle / Mesquite Circle								937	937
C72 Obregon Av. w/ Intersection Easement								6	6
D1 Private Rd.				21					21
D3 FM 886 / Tocca St. / Anacahutta St.				27					27
D4 FM 886				184					184
D5 US - 83					317				317
D6 El Faro Rd.						1000			1000
D7 El Faro Rd.							700		700
D8 4th street								900	900
D9 4th street								375	375
D10 FM 886								733	733
D11 FM 886								452	452
D12 FM 886 / Tocca St.								636	636
D13 FM 886 / Anacahutta St.								635	635

Pipe Size	30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)
Sheet	D15							21	21
Street Name	FM 886 / Road Easement								
Sheet	D16							325	325
Street Name	US - 83								
Sheet	D18							1000	1000
Street Name	El Faro Rd.								
Sheet	D19							820	820
Street Name	1st street								
Sheet	D20							170	170
Street Name	No street name showing on sheet								
Sheet	D21							1000	1000
Street Name	El Faro Rd. / Intersection Road								
Sheet	D22							870	870
Street Name	Continuation Intersection Road								
Sheet	D23							30	30
Street Name	No street name showing on sheet								
Sheet	D25							1000	1000
Street Name	El Faro Rd. / Intersection Road								
Sheet	D26							888	888
Street Name	Continuation Intersection Road								
Sheet	D27							101	101
Street Name	No street name showing on sheet								
Sheet	D29							5	5
Street Name	El Faro Rd. / Intersection Road								
Sheet	D30							1000	1000
Street Name	El Faro Rd.								
Sheet	D31							751	751
Street Name	El Faro Rd. / Easement Road								
Sheet	D32							10	10
Street Name	El Faro Rd. / Road								
Sheet	D33							5	5
Street Name	No street name showing on sheet								
Sheet	D35							1000	1000
Street Name	Cenizo st								

Pipe Size	30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)
Sheet	D36							32	32
Street Name	Cenizo st								
Sheet	D37							966	966
Street Name	Masquite street								
Sheet	D38							500	500
Street Name	Cenizo street								
Sheet	D39							575	575
Street Name	cenizo street								
Sheet	D40							1010	1010
Street Name	Ebanos street								
Sheet	D41							960	960
Street Name	Fresno street								
Sheet	E1							905	905
Street Name	US 83 / No street name								
Sheet	E2							29	29
Street Name	US - 83								
Sheet	F1							589	589
Street Name	US - 83								
Sheet	F2							566	566
Street Name	US - 83								
Sheet	F7							515	515
Street Name	US - 83								
Sheet	G1							830	830
Street Name	Elfaro Rd								
Sheet	G2							455	455
Street Name	Elfaro Rd								
Sheet	G3							1495	1495
Street Name	Antonio Villalon/Jose Garcia/Federico Flores Street								
Sheet	G5							1720	1720
Street Name	Rosendo Benavides St/Jose Garcia/Casimero Ortega St								
Sheet	G7							2135	2135
Street Name	Rene Flores/Jose Garcia/Delio Salinas/Casimero Ortega Ave/Francisco Garza								
Sheet	G9							800	800
Street Name	Frederico Flores Ave								

Pipe Size	30"	24"	16"	15"	12"	10"	8"	6"	HMAC (LF)	
Sheet	G10								145	145
Street Name	Frederico Flores St									
Sheet	G11								1038	1038
Street Name	Felix Martinez Ave									
Sheet	G12								1075	1075
Street Name	Heriberto Garza St									
Sheet	G13								700	700
Street Name	Onesimo Mireles St									
Sheet	G14								623	623
Street Name	Flores St									
Sheet	G15								1790	1790
Street Name	Felix Martinez Ave/Gulio Garza									
Sheet	G17								1174	1174
Street Name	Hediberto Garza/Gulio Garza									
Sheet	H1								786	786
Street Name	US-83									
Sheet	W1-W3								167	167
Street Name	Guadalupe Flores Rd									
<b>TOTAL</b>	<b>81</b>	<b>2179</b>	<b>16</b>	<b>5965</b>	<b>7323</b>	<b>4609</b>	<b>8215</b>	<b>42269</b>	<b>70,824</b>	
<b>FORCEMAINS</b>										
Pipe Size	30"	20"	16"	10"	6"	4"	HMAC (LF)			
Sheet	FM-A1								836	836
Street Name	Guadalupe Flores Street									
Sheet	FM-A3								26	26
Street Name	Guadalupe flores street									
Sheet	FM-C2								648	648
Street Name	Valle Street									
Sheet	FM-D1								748	748
Street Name	Cementary road									
Sheet	FM-D2								1000	1000
Street Name	Cementary road									
Sheet	FM-D3								459	459
Street Name	Cementary road									

Pipe Size	30"	20"	16"	10"	6"	4"	HMAC (LF)	
Sheet Street Name	FM-E1 Guadalupe flores street						360	360
Sheet Street Name	FM-E2 Guadalupe flores street						1000	1000
Sheet Street Name	FM-E3 Guadalupe flores street						321	321
Sheet Street Name	FM-F1 Military Road						619	619
Sheet Street Name	FM-G1 FM-886						871	871
Sheet Street Name	FM-G2 FM-886						226	226
Sheet Street Name	FM-G4 FM-886						33	33
Sheet Street Name	FM-G5 FM-886/MILITARY RD						783	783
Sheet Street Name	FM-G6 MILITARY RD						1000	1000
Sheet Street Name	FM-G7 MILITARY RD						1000	1000
Sheet Street Name	FM-G8 MILITARY RD						1000	1000
Sheet Street Name	FM-G9 MILITARY RD						975	975
Sheet Street Name	FM-H1 US-83						706	706
<b>TOTAL</b>	<b>26</b>	<b>836</b>	<b>648</b>	<b>2207</b>	<b>1681</b>	<b>7213</b>	<b>12,611</b>	
<b>GRAND TOTAL</b>							<b>83,435</b>	

STATE OF TEXAS       §  
                                  §  
COUNTY OF HIDALGO   §

**APPROVAL OF  
INTERLOCAL COOPERATION AGREEMENT  
PROJECT**

In accordance with Texas Government Code §791.014, Hidalgo County, Texas, acting by and through the Hidalgo County Commissioners Court, has been advised of a proposed project to construct a first-time wastewater service system in the Western portion of the Agua Special Utility District service area (the "Project") through an Interlocal Cooperation Agreement to be entered into with Hidalgo County.

By vote on \_\_\_\_\_ 2011, the Hidalgo County Commissioners Court has approved the Project identified above.

\_\_\_\_\_  
By: Ramon Garcia, County Judge

**ATTEST:**

\_\_\_\_\_  
Arturo Guajardo, County Clerk

**APPROVED AS TO FORM:**

Atlas & Hall, L.L.P.

By: \_\_\_\_\_  
Stephen L. Crain