

FILED
 AT 3:40 O'CLOCK P M
 AUG 21 2017
 ARTURO GUAJARDO, JR. COUNTY CLERK
 HIDALGO COUNTY TEXAS
 BY _____ DEPUTY

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 whereby McAllen and County desire to jointly undertake a road improvement project consisting of a new location roadway, being 8,650 linear feet, within the jurisdiction of McAllen and County commencing at the intersection of Military Highway (FM 1016) and 10th Street (SH 336) and terminating at Jackson Road (FM 2061), through an Interlocal Cooperation Agreement to be entered into among Hidalgo County and City of McAllen, Texas.

By vote on July 25, 2017, the Hidalgo County Commissioners Court has approved the Project identified above.

Ramon Garcia
 By: Ramon Garcia, County Judge

ATTEST:

Arturo Guajardo, Jr.
 Arturo Guajardo, Jr., County Clerk



APPROVED BY
 COMMISSIONERS' COURT
 ON: 7/25/17 JK

APPROVED AS TO FORM:

ATLAS, HALL & RODRIGUEZ, LLP.

By: Stephen L. Crain
 Stephen L. Crain

services out of current revenues available to the paying party as herein provided.

18. Commitment or Current Revenues Only. In the event that during any term hereof; the governing body of any party does not appropriate sufficient funds to meet the obligations of such party 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. Govt. Code Ann. §271.903

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

ATTEST:


Perla Lara, TRMC/CMC, CPM
City Secretary

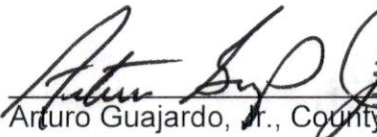
THE CITY OF MCALLEN


Jim Darling, Mayor



COUNTY OF HIDALGO

ATTEST:


Arturo Guajardo, Jr., County Clerk




Ramon Garcia, County Judge

APPROVED BY
COMMISSIONERS COURT
ON: 7/25/17 

APPROVED AS TO FORM:

ATLAS, HALL & RODRIGUEZ, LLP.

By: 
Stephen L. Crain

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STATE OF TEXAS §
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**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MCALLEN,
TEXAS AND THE COUNTY OF HIDALGO, TEXAS**

THIS agreement is made on this the 25th day of July, 2017 by and between the **CITY OF MCALLEN, TEXAS**, hereinafter referred to as the "McAllen" 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, McAllen is a home rule municipality located in Hidalgo County, Texas;

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

WHEREAS, Military Highway (FM 1016) currently dead ends at the intersection of 10th Street (SH 336);

WHEREAS, County desires to extend Military Highway from the intersection of 10th Street (SH 336) east to a canal for an approximate distance of 3,000 linear feet within the jurisdiction of the County;

WHEREAS, there is a 40' dedicated road Right-Of-Way commencing from said canal east to Jackson Road (FM 2061) for an approximate distance of 5,650 linear feet within the jurisdiction of McAllen;

WHEREAS, McAllen, and County, each pursuant to its statutory and constitutional authority, are responsible for maintenance and improvements of certain public roadways within their boundaries;

WHEREAS, County and McAllen desire to undertake a road improvement project consisting of approximately 8,650 linear feet of a new roadway, from Military Highway at 10th Street and terminating at Jackson Road more particularly described on Exhibit A attached hereto (the "Road");

WHEREAS, the Road will form an integral part of the County road system and the improvements to the Road are in the best interest of the County and McAllen;

WHEREAS, McAllen agrees to support the proposition that the County be the fiduciary agent for the development of the project within the city limits of McAllen;

WHEREAS, McAllen and County are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Texas Gov't. Code 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, and pursuant to the County Road and Bridge Act which authorizes counties to improve roadways within the limits of a city with the city's consent.

NOW, THEREFORE, McAllen and County, in consideration of the mutual covenants expressed hereinafter, agree to enter into this agreement as follows:

1. The parties agree to cooperate in making the necessary improvements to the Road as described herein.
2. County agrees to provide all labor, machinery and material necessary for construction of the Road.
3. County will, to the extent reasonably possible, follow TxDOT and/or City of McAllen standard specifications for new construction improvements unless otherwise agreed in writing by both parties.
4. Any and all costs deemed necessary for the improvements to the Road, such as engineering services, shall be borne by the County.
5. McAllen pursuant to Tex. Trans. Code § 251.012, authorizes County to perform the work described herein.
6. **Conflict with Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between and provision of their Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provision of this Agreement shall be modified only to The extent necessary to bring them within the legal requirements and only during the times such conflict exists.
7. **No Waiver.** No waiver by any party hereto of any breach of any provision of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
8. **Entire Agreement.** This Agreement contains the entire contract among the parties hereto, and each party acknowledges that neither has made (either directly or through any agent or representative) any representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by McAllen, Donna and County, and not otherwise.
9. **Texas Law to Apply.** This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Hidalgo County, Texas. The parties hereby consent to personal jurisdiction in Hidalgo County, Texas.
10. **Notice.** Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below,

Zimbra

erika.zamora@co.hidalgo.tx.us

RE: Whalen Rd

From : Steve Crain <scrain@atlashall.com>
Subject : RE: Whalen Rd
To : 'Erika Zamora' <erika.zamora@co.hidalgo.tx.us>

Mon, Jul 24, 2017 03:13 PM

📎 1 attachment

That should work.

From: Erika Zamora [mailto:erika.zamora@co.hidalgo.tx.us]
Sent: Monday, July 24, 2017 2:40 PM
To: scrain@atlashall.com
Subject: Fwd: Whalen Rd

Here you go.

Sent from my iPad

Begin forwarded message:

From: Erika Zamora <erika.zamora@co.hidalgo.tx.us>
Date: July 19, 2017 at 11:22:53 AM CDT
To: Steve Crain <scrain@atlashall.com>
Cc: Marynel Trevino <mntrevino@atlashall.com>, Armando Garza <armando.garzajr@co.hidalgo.tx.us>
Subject: Fwd: Whalen Rd

Here is Exhibit A for your reference as well.

Erika Zamora

Director of Management Operations
Hidalgo County Precinct #2
300 West Hall Acres, Suite G
Pharr, Tx 78589
(956) 787-1891 Ext. 2015 - Office
erika.zamora@co.hidalgo.tx.us

| |

image001.jpg

July 25, 2017

The Figueroa brothers humbly thanked the court for the resolution.

Court proceeded back to Item. 14.A.

- B. AI-60858** Requesting approval to appoint member(s) to the following boards:
1. Hidalgo County Subdivision Advisory Board
 2. Board of Building Line Adjustments

Commissioner Fuentes appointed Joe Olivarez.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 3 - 0 - Unanimously

- C. AI-60824** Right of way permit - Valdez Plumbing
Requesting approval of proposed open cut on Mile 11 North & Mile 1 1/2 West to install sewer tap from south side of Lot #76 - La Lomita Drive in La Mesa Subdivision (Mercedes, Texas)

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 1, DAVID FUENTES, the Court made a UNANIMOUS vote of approval.

Vote: 3 - 0 - Unanimously

21. ✓

Precinct #2 - Comm. Cantu:

- A. AI-60827** 1. Authority to rescind action taken by Commissioners Court on June 13, 2017 (AI-60260) due to correction of project name.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 3 - 0 - Unanimously

2. Requesting approval of Interlocal Cooperation Agreement between the City of McAllen and the County of Hidalgo, Texas, concerning new roadway construction to extend Military Highway from 10th St. to Jackson Road.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 3 - 0 - Unanimously

3. In accordance with Section 791.014 of the Texas Government Code, requesting approval of the interlocal cooperation agreement project concerning new roadway construction to extend Military Highway from 10th St to Jackson Road.

Commissioner Palacios and Judge Garcia joined the meeting.

On motion by COMMISSIONER PCT. 2, DAVID FUENTES, seconded by COMMISSIONER PCT. 3, JOE FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 -Unanimously

- B. AI-60816** Receipt, review, and approval of closing documents for the purchase of Parcel 1 for Pct 2 Dicker Road Project with authority for the Co Judge and or Executive Officer to sign closing documents.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously

- C. AI-60542** Approval of Economically Disadvantaged County (EDC) Program Application and Affidavit for Pct 2 Dicker Road (SP115 to FM2061) Rd Project - CSJ: 0921-02-312 with authority for the County Judge to sign all required documentation.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

22. Precinct #3 - Comm. Flores:

- A. AI-60793** TXDOT - Pct. 3:
1. Approval to submit the Economically Disadvantaged County (EDC) Program Application and Affidavit for the FM 676, from 364, East to SH 107, CSJ:1064-01-032, with authority for County Judge to sign all required documentation.

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

2. Approval to submit the Economically Disadvantaged County (EDC) Program Application and Affidavit for the FM 494, from Mile 3 N to Mile 5, CSJ:0864-01-069, with authority for County Judge to sign all required documentation.

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

AI-60827
CC - REGULAR

Precinct #2 21. A.

Meeting Date: 07/25/2017

Submitted For: Eddie Cantu, COMM. PCT. #2

Submitted By: Erika Zamora, COMM. PCT. #2

Department: COMM. PCT. #2

Information

CAPTION

1. Authority to rescind action taken by Commissioners Court on June 13, 2017 (AI-60260) due to correction of project name.
2. Requesting approval of Interlocal Cooperation Agreement between the City of McAllen and the County of Hidalgo, Texas, concerning new roadway construction to extend Military Highway from 10th St. to Jackson Road.
3. In accordance with Section 791.014 of the Texas Government Code, requesting approval of the interlocal cooperation agreement project concerning new roadway construction to extend Military Highway from 10th St to Jackson Road.

BACKGROUND

Interlocal agreement will be attached as soon as provided by Steve Crain.

Fiscal Impact

CALENDAR YEAR: 2017

ACCT. #: 7-1200-431-00-122-139-0-721/841

FUNDS AVAILABLE Y/N?: y

MATCHING FUNDS Y/N?: n

BUDGETARY IMPACT:

funds avail.

Attachments

[ica](#)

[legal](#)

Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	07/21/2017 03:10 PM
Final Approval	Monica Salinas	07/21/2017 05:27 PM
Form Started By: Erika Zamora		Started On: 07/21/2017 09:12 AM
Final Approval Date: 07/21/2017		