

STATE OF TEXAS       §  
COUNTY OF HIDALGO   §

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF ELSA,  
TEXAS AND THE COUNTY OF HIDALGO, TEXAS**

THIS Agreement is made on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **THE CITY OF ELSA, TEXAS**, hereinafter referred to as "Elsa", 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**, Elsa is a home rule municipality located in Hidalgo County, Texas;

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

**WHEREAS**, County desires to reconstruct approximately 250 linear feet of Mile 17½ Road from 125 linear feet west of FM 88 to 125 linear feet, east of FM 88 such portion of road more particularly described on Exhibit A attached hereto (the "Road");

**WHEREAS**, the north side the Road is within the municipal limits of Elsa and the south side of the Road is within the jurisdiction of the County;

**WHEREAS**, the Road forms an integral part of the County road system and the improvements to the Road are in the best interest of Elsa and the County;

**WHEREAS**, Elsa pursuant to its statutory and constitutional authority, is responsible for maintenance and improvements of public roadways within its municipal limits; and

**WHEREAS**, Elsa 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 Texas Transportation Code which authorizes counties to improve roadways within the limits of a city with the city's consent.

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

1. The parties agree to cooperate in making the necessary improvements to the Road as described herein.
2. County agrees to provide through its own forces or a third-party contractor(s) all labor, machinery and material necessary for reconstruction of the Road.

3. Elsa agrees to pay upon execution of this Agreement the sum of Five Thousand Five Hundred Fifty-Three and 74 one hundredths Dollars (\$5,553.74) being the estimated cost of the materials for the Road improvements. Any actual cost of material in excess of the estimated costs shall be paid by Elsa within thirty (30) days against invoice by the County.
4. County will, to the extent reasonably possible, follow the County's standard specifications for road reconstruction unless otherwise agreed in writing by all parties.
5. Any and all costs of engineering services shall be borne exclusively by the County.
6. Elsa and County will coordinate work schedules in order to provide for minimal disruption to the public during the reconstruction of the Road.
7. Elsa pursuant to Tex. Trans. Code § 251.012, authorize County to perform the work described herein within its municipal limits.
8. **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.
9. **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.
10. **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, Elsa and County, and not otherwise.
11. **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.
12. **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




19. **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 current revenues available to the paying party as herein provided.
20. **Commitment of 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.

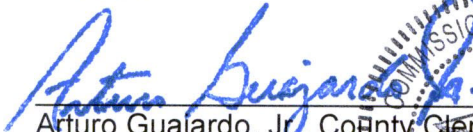
ATTEST:


  
\_\_\_\_\_  
Elsa City Secretary

CITY OF ELSA

  
\_\_\_\_\_  
Alonso Perez, Mayor

ATTEST:

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



COUNTY OF HIDALGO

  
\_\_\_\_\_  
Ramon Garcia, County Judge

APPROVED AS TO FORM

ATLAS, HALL & RODRIGUEZ, LLP

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

APPROVED BY  
COMMISSIONERS' COURT  
ON: 

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 Elsa and County desire to reconstruct approximately 250 linear feet of Mile 17½ Road from 125 linear feet west of FM 88 to 125 linear feet east of FM 88 through an Interlocal Cooperation Agreement to be entered into between Hidalgo County, the City of Elsa, Texas.

By vote on April 24, 2018 the Hidalgo County Commissioners Court has approved the Project identified above.

Ramon Garcia  
By: Ramon Garcia, County Judge

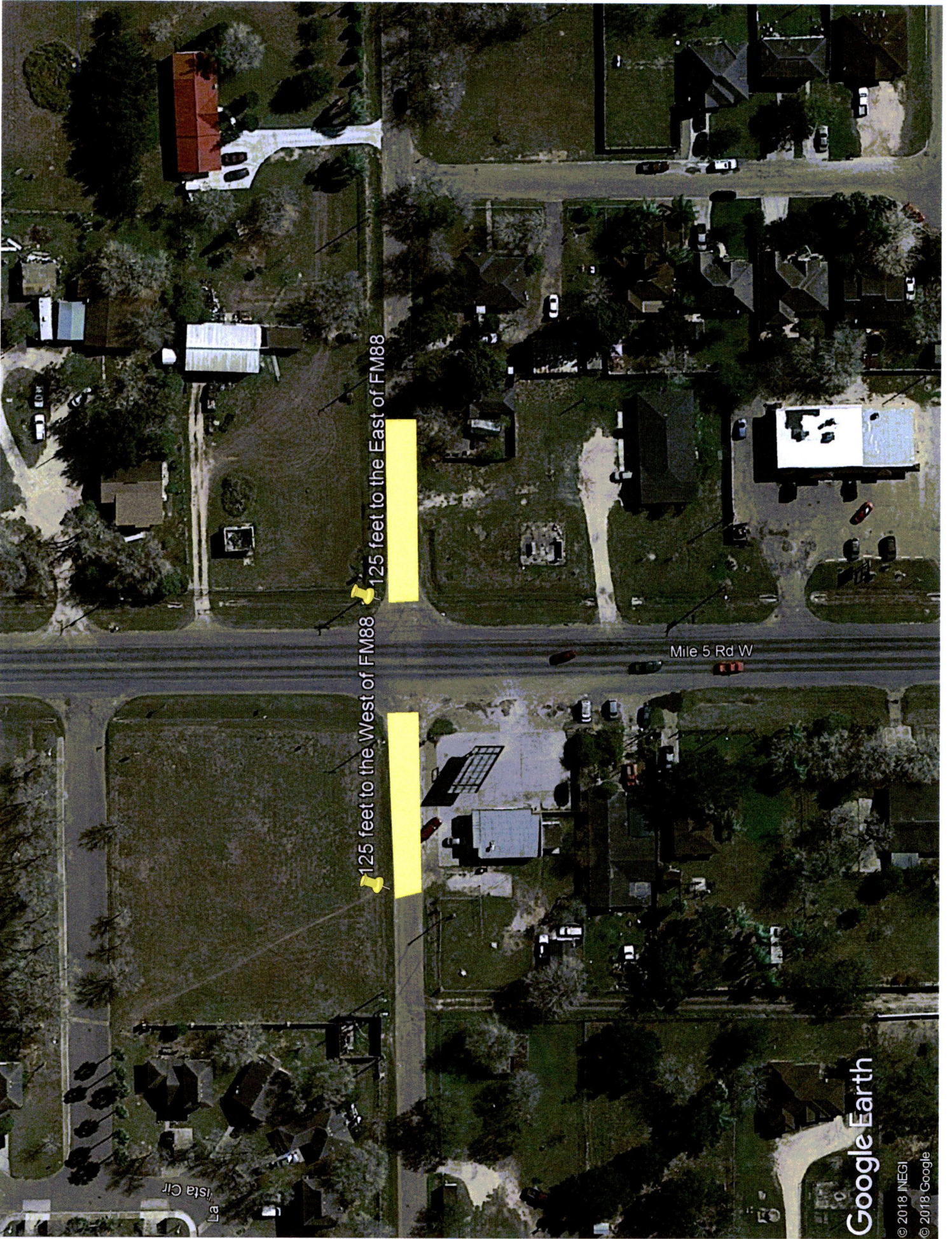
**ATTEST:**

Arturo Guajardo  
Arturo Guajardo, County Clerk



APPROVED BY  
COMMISSIONERS' COURT  
ON: 4/24/18 ms

**APPROVED AS TO FORM:**  
  
ATLAS, HALL & RODRIGUEZ, LLP  
  
By: \_\_\_\_\_  
Stephen L. Crain



125 feet to the East of FM88

125 feet to the West of FM88

Mile 5 Rd W

Isla Cir

Google Earth

© 2018 INEGI  
© 2018, Google



# **Exhibit A**

## **Interlocal Cooperation Agreement among the City of Elsa, Texas and County of Hidalgo**

**Project: Road Reconstruction of Mile 17 ½ Elsa, Texas**

**Project Description: Road Reconstruction project consisting of a portion of Mile 17 1/2 Road beginning 125 feet west from FM 88 on Mile 17 ½ ending at FM 88. Resuming east of FM 88 for a total of 125 feet. Where the road is an interconnecting part of a county Road ..**

AI-64620  
CC - REGULAR

Purchasing Department 19. B. 2.  
Pct. 1

Meeting Date: 04/24/2018

Submitted For: David Fuentes,  
COMM. PCT. #1

Submitted By: Erica Espinosa, COMM. PCT. #1

Department: COMM. PCT. #1

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**Information**

**CAPTION**

A. Acceptance and approval of an Interlocal Cooperation Agreement between the County of Hidalgo and the City of Elsa for road reconstruction improvement project of Mile 17 1/2 consisting of a portion of Mile 17 1/2 road beginning 125 feet west from FM 88 on Mile 17 1/2 ending at FM 88. Resuming east of FM 88 for a total of 125 feet [were the road is interconnects with part of the county road].

B. In accordance with Section 791.014 of the Texas Government Code, requesting approval of the interlocal cooperation agreements in their desires to assist each other in multiple projects to be defined by mutual agreement in which both the City and the County would benefit from the outcome of the work (the "Work") by decreasing the cost of services and increasing the quality of life for both the citizens of the County and the City.

**BACKGROUND**

ICA Pct. 1 and City's AI-59849

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**Fiscal Impact**

CALENDAR YEAR: 2018

ACCT. #: 8-1200-431-00-121-005-0-610

FUNDS AVAILABLE Y/N?:

MATCHING FUNDS Y/N?:

**BUDGETARY IMPACT:**

Cost estimate is \$5,553.74

City of Elsa will be pay 100% of material cost

County will provide resources and staff

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**Attachments**

Exhibit Mile 17 1/2 Recon

Map

ICA

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**Form Review**

**Inbox**

Yvette Salinas

**Reviewed By**

Yvette Salinas

**Date**

04/20/2018 02:15 PM

Purchasing - Internal	Marty Salazar	04/20/2018 03:20 PM
Budget & Management	Veronica Ortiz	04/20/2018 03:43 PM
Final Approval	Monica Salinas	04/20/2018 05:23 PM
Form Started By: Erica Espinosa		Started On: 04/20/2018 11:24 AM
Final Approval Date: 04/20/2018		