

ORDINANCE NO. 2021 -   1  

**AN ORDINANCE ADOPTING CORYELL COUNTY SUBDIVISION REGULATIONS AND PERMITTING REQUIREMENTS**

**WHEREAS**, there is a need and desire jointly shared between the parties herein to regulate subdivisions and property development in the City of South Mountain, being wholly contained in Coryell County, and

**WHEREAS**, Coryell County has rules and regulations in place to regulate the division of property, by plat and otherwise, and for the permitting of driveways and other matters appurtenant to the subdivision and development of real property, as well as manpower in place to administer the review and approval of such, that would be beneficial to expand to the municipal limits of South Mountain, and

**WHEREAS**, the City of South Mountain would benefit from Coryell County administering the review and approval of real property development in the City of South Mountain, and

**WHEREAS**, the citizens of Coryell County would benefit from such an agreement, and

**WHEREAS**, the City of South Mountain has funds available to compensate Coryell County for the use of such manpower, and to provide necessary support, and

**WHEREAS**, Coryell County and South Mountain find that it would be in the best interest of the citizens of Coryell County and the City of South Mountain to enter into an interlocal agreement to cooperate in the review and approval of real property development:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH MOUNTAIN, TEXAS:** That in consideration of the mutual covenants and agreements, the benefits of which will inure to the parties herein, Coryell County and the City of South Mountain agree as follows:

**SECTION 1** – The City of South Mountain hereby adopts Coryell County’s current subdivision regulations and permitting requirements as its own if recited verbatim herein a copy is attached hereto as exhibit “A” and made a part hereof for all purposes.

**SECTION 2** – Developers shall pay any and all fees, costs and expenses to Coryell County required by this ordinance or Coryell County’s regulations.

**SECTION 3** – Coryell County by interlocal Agreement is authorized by the City of South Mountain to handle all matters regarding the review, regulation, approvals, disapprovals of plats, permits and subdivisions of the City of South Mountain.

**SECTION 4 - CUMULATIVE PROVISIONS**

That this Ordinance shall be cumulative of all other Ordinances of the City of South Mountain and shall not repeal any of the provisions of such ordinances, except as specified herein,

and except in those instances where provisions of such Ordinances are in direct conflict with the provisions of this ordinance.

**SECTION 5 - SAVINGS CLAUSE**

That all rights or remedies of the City of South Mountain, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this Ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6 - SEVERABILITY CLAUSE**

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared void, ineffective or unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such voidance, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.


**SECTION 7 - PUBLICATION BY CAPTION**

That the City Secretary of the City of South Mountain, Texas is hereby directed to publish the caption summarizing the purpose of this ordinance for two (2) days in the official newspaper of the municipality, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

**SECTION 8 - EFFECTIVE DATE:**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

APPROVED AND ADOPTED this 6 th day of July, 2021.

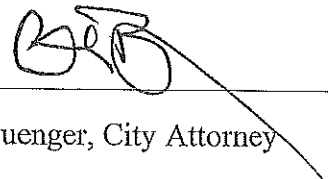
  
\_\_\_\_\_  
Donald Smart, Mayor

**ATTEST:**

**ATTEST:**

  
Vernon Jones, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

By:   
Charles Buenger, City Attorney