

RESOLUTION NO. _____

**A RESOLUTION CONFIRMING THE GRANTING OF CONSENT TO THE
CREATION OF TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, A
POLITICAL SUBDIVISION TO BE SITUATED WITHIN THE CORPORATE LIMITS
OF THE CITY OF PFLUGERVILLE, TEXAS**

WHEREAS, on or about October 12, 2015, CE Development, Inc. petitioned the City of Pflugerville, Texas (City) for consent to include land in a municipal utility district (Travis County Municipal Utility District No. 22 - MUD 22) to be situated within the corporate limits of the city of Pflugerville for consideration by the City Council; and,

WHEREAS, said petition was duly executed by John S. Lloyd, President, acting pursuant to Article XVI, Section 59 of the Texas Constitution and the provisions of Texas Water Code Chapters 49 and 54 as the holder of title to a majority in value of the land sought to be included in the District; and,

WHEREAS, the land sought to be included in the District contains an area of 443.692 acres of land, more or less, situated in Travis County, Texas as shown in the metes and bounds description attached as an exhibit to the Petitioner's Petition for Consent (Petition with attachments are attached hereto as Exhibit 1) (Property) and is entirely located within the extraterritorial jurisdiction of the City, but the Property will be annexed into the corporate limits of the city pursuant to a voluntary petition of annexation by the Petitioner; and,

WHEREAS, in submitting such petition for consent to include land in a municipal utility district, the Petitioner has agreed to be bound by certain covenants and conditions as fully set out in the Development Agreement between the parties; and,

WHEREAS, since the filing of the Petition for Consent, the proposed name for the District was assigned by the State to another unrelated district and the City and Petitioner agree that the name of the District should be Travis County MUD No. 23 (MUD 23).

WHEREAS, after due consideration, it is the opinion of the City Council that consent to the creation of MUD 23 should be given, subject to the covenants and conditions set forth in the Consent Agreement approved by the City Council on October 27, 2015; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. The facts and recitals set forth in the preamble of this Resolution are hereby found to be true and correct and are hereby adopted.

Section 2. The City Council hereby finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted

at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council hereby further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 3. The City Council does hereby acknowledge that Petitioner has previously requested that the City Council give its formal consent, subject to the referenced conditions and applicable law, to the creation of MUD No. 23 within the corporate boundaries of the city.

Section 4. The City Council, expressly subject to the condition that Petitioner fully comply with the Texas Constitution, applicable Texas law and such other provisions of the Code of Ordinances of the City as may be applicable and as amended, does hereby consent to the creation of the MUD 23, a political subdivision, subject to the covenants and conditions set forth in the Consent Agreement and agreed to therein by Petitioner, as containing an area of 443.692 acres of land, more or less, situated in Travis County, Texas as shown in the metes and bounds description attached as an exhibit to the Petitioner's Petition for Consent (Petition with attachments are attached hereto as Exhibit 1) (Property) as it is entirely located within the extraterritorial jurisdiction of the City of Pflugerville, Texas, but the Property will be annexed into the corporate limits of the City pursuant to a voluntary petition of annexation by the Petitioner. Such consent and approval herein provided shall be final and binding upon Petitioner and the Board of Directors of MUD No. 23.

Section 5. The City Council does hereby further direct that the Mayor, City Manager, and City Secretary, and such other officers of the City as may be necessary and required, execute such approvals and other documents that may be required from time to time in order to effectively place of record and acknowledge that the City Council has duly and properly approved and consented to this creation of MUD 23 pursuant to the conditions contained herein, including acknowledgements that the name of the District has been revised in the Consent Agreement from Travis County Municipal Utility District No. 22 to Travis County Municipal Utility District No. 23.

Section 6. In addition to the conditions and requirements otherwise set out herein, the Consent as herein provided shall be conditioned on the owners of the real property within the geographical configuration of MUD 23 fully complying with all rules, regulations, and requirements that may be in existence or later provided as the same relates to any construction, configuration or use of land located within the MUD 23, whether directly expressed or provided by the City in such other agreements and documents that may be executed relating to the development or use of the MUD 23.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE
on this _____ day of February, 2016.

City of Pflugerville, Texas

By: _____
Jeff Coleman, Mayor

Attest:

Karen Thompson, City Secretary