

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION GRANTING THE CONSENT OF THE  
CITY OF PFLUGERVILLE, TEXAS, TO THE INCLUSION OF LAND  
INTO A WATER DISTRICT OR DISTRICTS; RATIFYING AND APPROVING  
CERTAIN PRIOR RESOLUTIONS AND AGREEMENTS OF THE CITY; AND  
AUTHORIZING AN AMENDMENT TO DISTRICT CONSENT AGREEMENT**

**RECITALS**

Rowe Lane Development, Ltd. and Robert M. Tiemann (collectively the “Developer”) and the City of Pflugerville, Texas (the “City”) previously entered into that certain Comprehensive Development and Consent Agreement for Lakeside WCID No. 5 dated November 22, 2004, as amended by that certain First Amendment to Comprehensive Development and Consent Agreement for Lakeside WCID No. 5 dated July 3, 2006, and by that certain Second Amendment to the Comprehensive Development Agreement dated October 14, 2011 (collectively referred to as the "Consent Agreement").

The Consent Agreement granted the consent of the City to the creation of either a water control and improvement district or a municipal utility district to include approximately 199 acres of land in Travis and Williamson Counties identified on Exhibit A attached hereto (the “Original District Property”). Pursuant to the Consent Agreement, the Developer petitioned the Texas Commission on Environmental Quality (the “TCEQ”) for the creation of a municipal utility district; on August 11, 2008, the TCEQ issued an order creating Lakeside Municipal Utility District No. 5 (the "District") over the Original District Property; and the District was confirmed at an election held on May 9, 2009.

Pursuant to the Consent Agreement, the City has also consented to the District’s annexation of approximately 206 acres of land identified on Exhibit B attached hereto (the “First Additional Consent Property”), of which 5.05 acres of land, identified on Exhibit C attached hereto (the “First Annexation Property”) has been annexed by the District.

The Developer has now requested that the City consent to the inclusion of up to 782 additional acres of land into the District or into up to two future water control and improvement or municipal utility districts permitted to be created pursuant to the Consent Agreement and this Resolution. The additional 782 acres of land is located in the City’s extraterritorial jurisdiction and is generally shown in Exhibit D attached hereto (the “Additional Land”).

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

Section 1. That the City Council of the City of Pflugerville, Texas, hereby ratifies, approves, and confirms its prior consent to the inclusion of the Original District Property and the First Additional Consent Property, save and except the 40-acre Pflugerville ISD Tract identified on Exhibit B which has been replaced by 40 acres of adjacent land (the “Alternate Consent Property”) as shown on Exhibit B, into the District or further agrees that any portion of the Original District Property or the First Additional Consent Property or the Alternate Consent Property may be included in the District or future water control and improvement or municipal utility districts permitted to be created pursuant to the Consent Agreement and this Resolution.

Section 2. That the City Council of the City of Pflugerville, Texas, hereby consents to the inclusion of all or any part of the Additional Land into the District or into future water control and improvement or municipal utility districts permitted to be created pursuant to the Consent Agreement and this Resolution; provided, however, and notwithstanding anything herein or in the Consent Agreement to the contrary, no more than three (3) such districts (including the District) may be created over the Original District Property, the First Additional Consent Property, the Alternate Consent Property, and the Additional Land. Hereafter, the Original District Property, the First Additional Consent Property, the Alternate Consent Property, and the Additional Land are referred to collectively as the “Land.”

Section 3. All provisions of the Consent Agreement shall be applicable to the Land and the District or the additional districts, regardless of whether the Land is included in the District or included with the boundaries of an additional district or districts.

Section 4. That the City Council of the City of Pflugerville, Texas, agrees that the District or any additional district or districts may annex or exclude portions of the Land and adjust its boundaries as necessary to facilitate the extension of utilities to and the development of the Land. No further action on the part of the City will be required to evidence its consent to the annexation or exclusion of portions of the Land by the District or any additional district or districts.

Section 5. That the City Council of the City of Pflugerville, Texas, agrees that the District or any additional district or districts may have all powers authorized for either for a water control and improvement district or a municipal utility district, including without limitation, water, wastewater, drainage, road, park and recreational facilities, and other powers authorized to water control and improvement or municipal utility districts under the Texas Constitution and laws.

Section 6. That the City Council of the City of Pflugerville, Texas, agrees that the District may, but shall not be obligated to, exclude any land within the District that is located in Williamson County, Texas.

Section 7. That the Consent Agreement be amended or supplemented substantially as follows:

To include the description of the Land as an area authorized to be included within the boundaries of the District.

To increase the authorized number of living unit equivalents (LUEs) for wholesale wastewater service provided by the City to the District or any other district or districts by adding an additional to 3,350 LUEs.

To provide that the Developer and the City will take all actions necessary or appropriate to cause the City and the District or any additional district or districts to enter into strategic partnership agreements pursuant to Chapter 43, Texas Local Government Code, in a form acceptable to the City and the District. Each strategic partnership agreement shall allow the City to annex any property within the District or any additional district or districts for limited or full purposes as provided in the strategic partnership agreement and to levy and collect sales taxes on such property.

That the Developer will cooperate with Mid-Tex Partners Ltd. for the design and construction of the Vine Creek Lift Station at size of 1,200 LUEs, on terms agreeable to Mid-Tex Partners, Ltd. and the Developer.

That the Developer will fund an annual “take or pay” purchase of not less than 100 Cottonwood Creek Basin wastewater LUEs from the City beginning upon the commencement of construction of the New Sweden Wastewater Treatment Plant. For each year after the commencement of construction of the New Sweden Wastewater Treatment Plant, the Developer’s annual purchase obligation shall be reduced by credits for any purchases of Cottonwood Creek Basin wastewater LUEs made (i) prior to the commencement of construction of the New Sweden Wastewater Treatment Plant, or (ii) in excess 100 LUEs in any prior year. Developer’s purchase obligation shall terminate when Developer has purchased a cumulative total amount of 1,000 Cottonwood Creek Basin wastewater LUEs.

That the Developer and the City will take all actions necessary or appropriate to cause the District and any future district or districts created by the Developer to allocate \$0.10 of such districts’ tax rate to fund a local government corporation, or other governmental entity designated by the City, which shall improve Hodde Lane, Cele Road, and Melber Lane. The directors of any such local government corporation shall include a Pflugerville City Council representative, a Travis County Precinct 1 Commissioner’s representative, and a Developer’s representative. Alternatively, the Developer agrees to take all actions necessary or appropriate to cause the District and any future district or districts created by the Developer to enter an agreement with the City for the payment by the District or any additional district or districts of a proportional share of the cost of Hodde Lane and Cele Road boundary road improvements.

That the liability of the Developer, the District, or any additional district or districts for payment of the road infrastructure fee required under the Consent Agreement shall be reduced by all amounts expended by the Developer on constructing improvements to Rowe Lane, Speidel Drive, Melber Lane, any collector road, and any county road.

That the Developer shall be allowed to develop 45-foot-wide and 50-foot-wide lots on the approximately 152-acre tract of land located at 6908 Cele Road, Pflugerville, Texas 78660 and listed as Property ID 278106 in the records of the Travis Central Appraisal District.

That the authorized amount of bonds to be issued by the District or any additional districts shall be increased above the amount currently provided in the Consent Agreement by a proportionate amount for each acre of the Additional Land included within the District or any additional district or districts.

Section 8. The City Manager is hereby fully authorized and directed to negotiate and execute amendments of, or supplements to, the Consent Agreement implementing the provisions of this Resolution.

PASSED AND APPROVED on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Victor Gonzales, Mayor  
City of Pflugerville, Texas

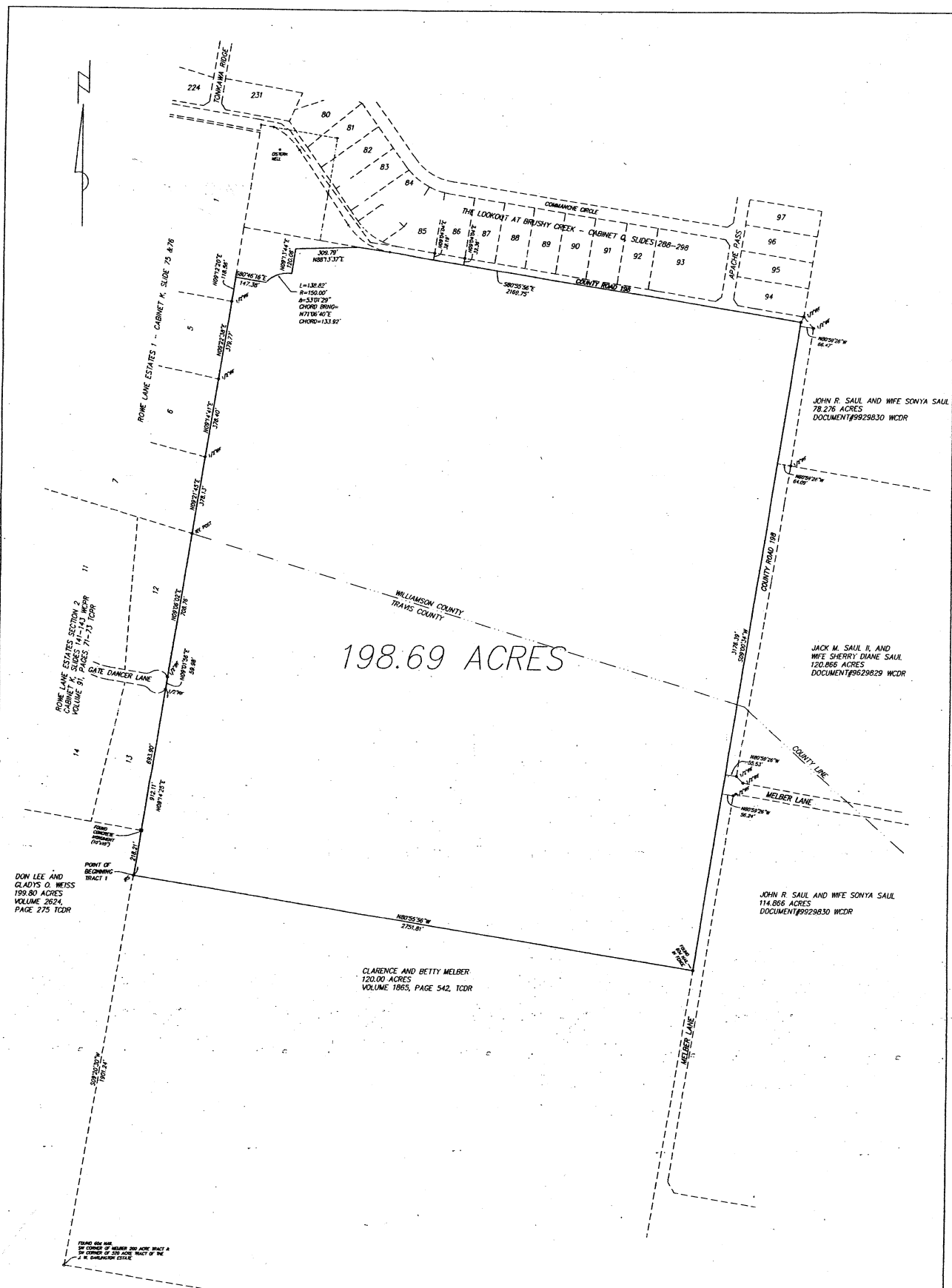
ATTEST:

\_\_\_\_\_  
Karen Thompson, City Secretary



**EXHIBIT A**

**ORIGINAL DISTRICT PROPERTY**



198.69 ACRES

JOHN R. SAUL AND WIFE SONYA SAUL  
78.276 ACRES  
DOCUMENT#9929830 WCDR

JACK M. SAUL II AND  
WIFE SHERRY DIANE SAUL  
120.865 ACRES  
DOCUMENT#9629829 WCDR

JOHN R. SAUL AND WIFE SONYA SAUL  
114.866 ACRES  
DOCUMENT#9929830 WCDR

CLARENCE AND BETTY MELBER  
120.00 ACRES  
VOLUME 1865, PAGE 542, TCDR

DON LEE AND  
GLADYS O. WEISS  
199.80 ACRES  
VOLUME 2624  
PAGE 275 TCDR

ROME LAKE ESTATES SECTION 2  
CABINET Q SLIDES 141-143  
VOLUME 51  
PAGES 71-73 TCDR

ROME LAKE ESTATES 1 - CABINET K SLIDE 75 48.76

THE LOOKOUT AT BRUSHY CREEK - CABINET Q SLIDES 288-298

COMMANDER CIRCLE

COUNTY ROAD 100

COUNTY LINE

MELBER LANE

LAKE SIDE M.U.D. 5



This document was prepared under 2251C, 86.23, and does not reflect the results of an oil or gas lease survey, and shall be used for closing or establishing interests in real property except those rights and interests noted or established by the creation or incorporation of the boundary of the parcel subdivision for which it was prepared.

*John Heston Heston* 9.3.2005  
REGISTERED PROFESSIONAL LAND SURVEYOR HD 5241  
STATE OF TEXAS

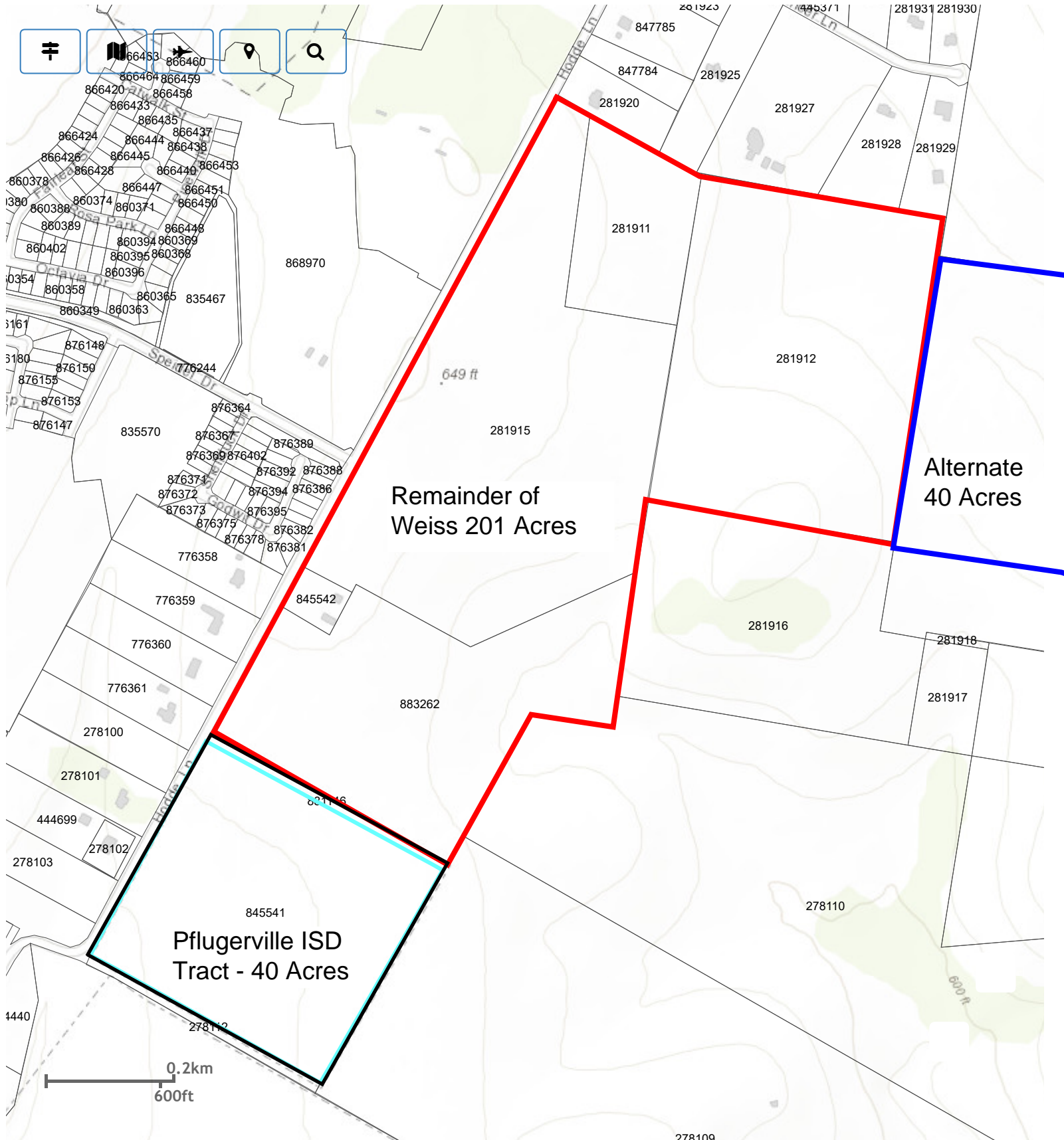
NOTE:  
TRACTS 1 AND 2 ARE DESCRIBED  
ON SEPARATE ATTACHMENTS

LEGEND:  
IR = FOUND IRON ROD  
IRS = SET 1/2" IRON ROD WITH CAP STAMPED "RS"

RJ SURVEYING, INC.  
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753 (512) 836-4793  
DATE: JAN 27, 2005 SCALE: 1" = 200'  
P. DR. 430, PG. 10 JOB NO. 1063

**EXHIBIT B**

**FIRST ADDITIONAL CONSENT PROPERTY  
AND ALTERNATE CONSENT PROPERTY**





Five Acres

5 Acres

Web Print: 01/03/2018



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

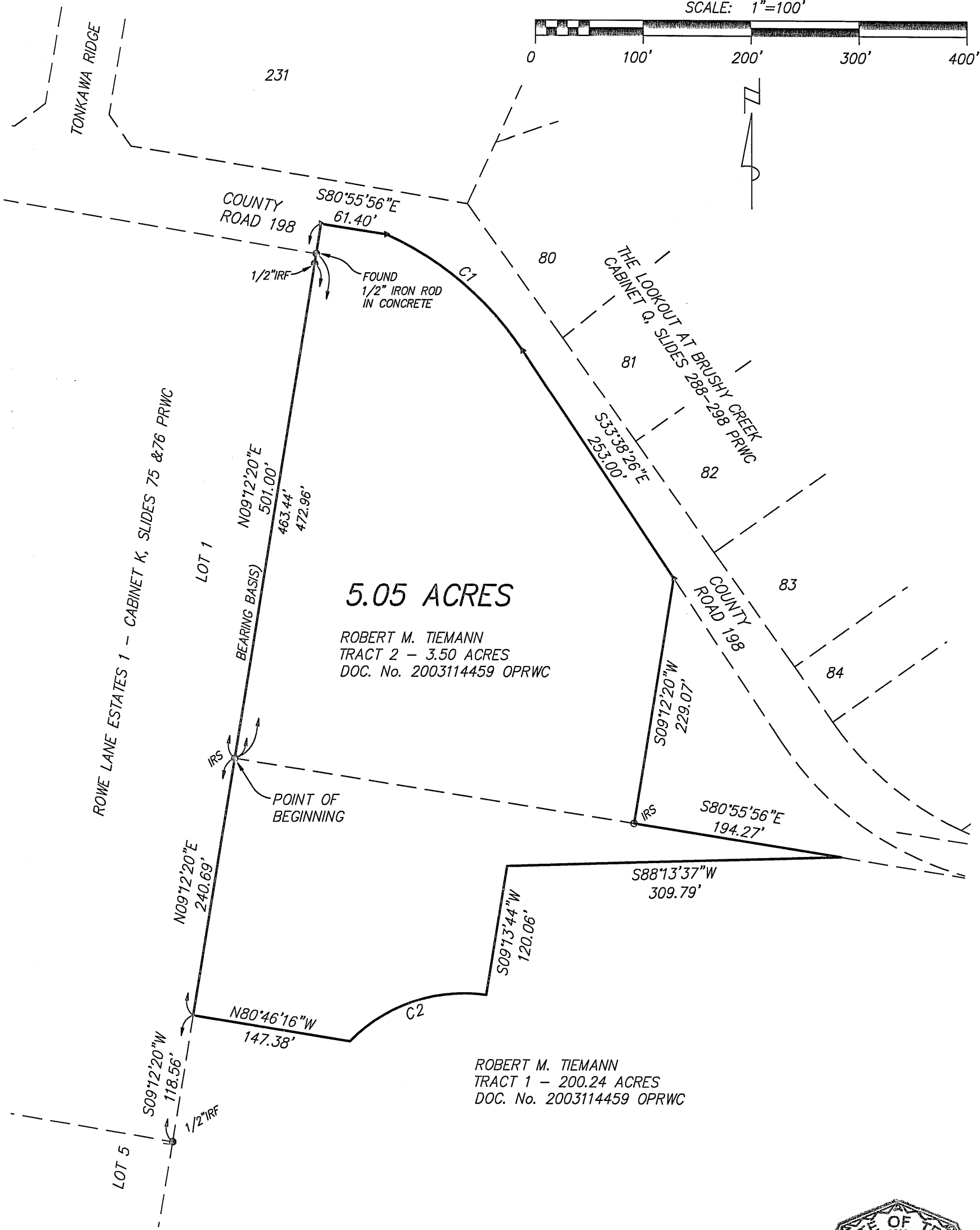
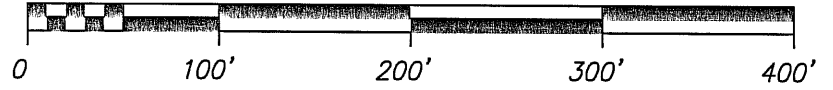


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**EXHIBIT C**

**FIRST ANNEXATION PROPERTY**

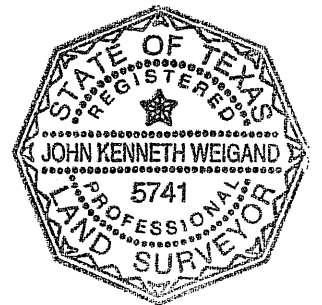
SCALE: 1"=100'



5.05 ACRES

ROBERT M. TIEMANN  
TRACT 2 - 3.50 ACRES  
DOC. No. 2003114459 OPRWC

ROBERT M. TIEMANN  
TRACT 1 - 200.24 ACRES  
DOC. No. 2003114459 OPRWC



THIS DOCUMENT WAS PREPARED UNDER 22TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

*John K. Weigand* 2/12/2015  
JOHN KENNETH WEIGAND  
REGISTERED PROFESSIONAL LAND SURVEYOR NO 5741  
STATE OF TEXAS

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG.	CHORD
C1	168.01	300.00	32°05'13"	S49°41'03"E	165.82
C2	138.82	150.00	53°01'29"	S71°06'40"W	133.92

- LEGEND:
- IRF = FOUND IRON ROD
  - IRS = SET 1/2" IRON ROD WITH CAP STAMPED "RJS"
  - OPRWC = OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY
  - PRWC = PLAT RECORDS OF WILLIAMSON COUNTY

SKETCH TO ACCOMPANY DESCRIPTION  
(SEE DESCRIPTION ON A SEPARATE ATTACHMENT)

DATE: FEB. 12, 2015 SCALE: 1" = 100'

**RJ SURVEYING & ASSOCIATES, INC.**  
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
F-10015400 (512) 836-4793 FAX: (512) 836-4817

**EXHIBIT D**

**ADDITIONAL LAND**



**Legend**

- MUD 5 - 471 ac
- MUD 7 - 607 ac
- MUD 9 - 106 ac

**+/- 20 Acres**

**MUD 9**

**MUD 5**

**+/- 200 Acres**

**MUD 7**

**+/- 762 Acres**

**MUD 5**

*Williamson County*  
*Travis County*

*Hutto ETJ*

*Pflugerville ETJ*

