

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF PFLUGERVILLE PROVIDING APPROVAL
OF AN EXTRATERRITORIAL JURISDICTION CONTINUATION
ASSURANCE AGREEMENT.**

WHEREAS, LANDOWNER owns certain real property located in Travis County, Texas that is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter of the Tax Code and such real property being more particularly depicted and described in **Exhibit “A,”** which is attached hereto and incorporated herein by reference for all purposes (“Property”);

WHEREAS, on or about March 31, 2016, the CITY and the LANDOWNER entered into that one certain *City of Pflugerville Non-Annexation Development Agreement* (the “Non-Annexation Agreement”), pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, which Non-Annexation Agreement is recorded in Document No. 2016048801, Official Public Records, Travis County, Texas;

WHEREAS, pursuant to the Non-Annexation Agreement, in consideration of extending the duration of the Property’s extraterritorial jurisdictional status the LANDOWNER agreed not to file any type of development document, master plan, plat approval or a permit related to the Property or otherwise attempt to change or change the existing use of the Property to a use not allowed pursuant to the Non-Annexation Agreement (collectively the “Development Activities”) until the Property has been annexed into the CITY and zoned pursuant to all applicable laws of the State of Texas and ordinances of the CITY;

WHEREAS, a proposed developer (the “Proposed Developer”) has approached the LANDOWNER regarding the purchase and development of the Property as a single-family residential development (the “Future Project”);

WHEREAS, LANDOWNER and/or Proposed Developer may have to engage in certain activities to determine the viability of the Future Project, which may be considered Development Activities under the terms of the Non-Annexation Agreement, and may possibly violate the terms of the Non-Annexation Agreement;

WHEREAS, the CITY has not planned for the annexation of the Property, which would require the CITY to provide certain municipal services (such as police protection, fire protection, drainage, street construction, or maintenance);

WHEREAS, the CITY believes that there may be benefits to the CITY to allow the Proposed Developer and LANDOWNER to explore the viability of the Future Project,

including contributing to the economic growth of the CITY, increasing future sales tax revenues to the CITY, and promoting other public purposes and benefits; and

WHEREAS, LANDOWNER and the Proposed Developer desire to comply with the terms of the Non-Annexation Agreement to ensure the continued extraterritorial jurisdictional status of the Property and will not pursue determining the viability of the Future Project until the CITY consents and provides assurances that the Non-Annexation Agreement will not be affected by the Development Activities; and

WHEREAS, the CITY has drafted an agreement to establish the terms and conditions under which the Development Activities will not constitute a breach of the Non-Annexation Agreement and will preserve the status quo of the Non-Annexation Agreement during the same.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. That the City Manager is authorized to execute and enter into an Extraterritorial Jurisdiction Continuation Assurance Agreement in substantially the form as the agreement attached hereto as **Exhibit “B”** and take such other actions necessary to effectuate the same.

Section 3. This resolution shall become effective immediately upon its approval and passage.

PASSED AND APPROVED this 23rd day of January, 2018.

CITY OF PFLUGERVILLE, TEXAS

By: _____
VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney
Denton Navarro Rocha Bernal & Zech, PC

EXHIBIT "A"

The Property

EXHIBIT “B”

The Extraterritorial Jurisdiction Continuation Assurance Agreement