

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF PFLUGERVILLE APPROVING THE AMENDED AND RESTATED COMPREHENSIVE DEVELOPMENT AGREEMENT FOR LAKESIDE MUNICIPAL UTILITY DISTRICT NO. 5.

WHEREAS, pursuant to Texas Local Government Code, Chapter 42, Texas Water Code, Chapters 49 and 54 and the Texas Constitution, Article XVI, Section 59, the City is empowered to condition or deny its consent to the creation of a municipal utility district (MUD) within the corporate limits of the City and the City’s Extra-Territorial Jurisdiction (ETJ); and

WHEREAS, the City of Pflugerville holds the Certificate of Convenience and Necessity (CCN) in accordance with Texas Water Code, Chapter 13 providing the City the exclusive right to provide retail wastewater utility service to an extensive portion of land located within the City’s ETJ and, therefore, has a substantial interest in managing land development and growth within the City’s ETJ; and

WHEREAS, in accordance with the City’s 2030 Comprehensive Plan and State law, the City will continue to exercise its authority to regulate land development and growth to ensure the public health, safety and welfare of the citizens within the City limits and within the ETJ are preserved by establishing policies to encourage cost-effective, sustainable compact development growth patterns that will benefit the current and future residents and stakeholders of the City; and

WHEREAS, the City has adopted Special Purpose District regulations that serve as guidance for the expansion or creation of municipal utility districts within the city limits and extraterritorial jurisdiction (ETJ); and

WHEREAS, the Development Agreement is in compliance with the Special Purpose District policies adopted in Resolution 1688-19-03-12-0601; and

WHEREAS, the City has determined that it is necessary to consider the creation of, or the inclusion of additional land into, a municipal utility district, water control and improvement district, or other legally authorized water district (collectively the “District” whether one or more) within the northeast portion of the City’s ETJ in order to determine if such District is in the best interest of the City’s current and future residents and stakeholders; and

WHEREAS, Rowe Lane Development, Ltd. and Robert M. Tiemann (collectively the “Developer”) and the City of Pflugerville, Texas (the “City”) have 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") and Lakeside Municipal Utility District No. 5 has been created pursuant to the Consent Agreement; and

WHEREAS, The Original Agreement authorized the creation of either a water control and improvement district or a municipal utility district to include approximately 199 acres in Travis and Williamson counties identified as Parcel 1 on Exhibit A attached hereto (the “Original District

Property”). On August 11, 2008, the Texas Commission on Environmental Quality issued an order creating the District and the District was confirmed at an election held on May 9, 2009; and

WHEREAS, Developer and City desire to amend and restate the Original Agreement to facilitate administration and to update the development plans for land within the District and to state the City's consent to the inclusion of up to 782 additional acres of land into the District or into up to four future districts; and

WHEREAS, Section 3.14 of the City of Pflugerville City Charter requires general legislative acts to be adopted by Resolution or Ordinance.

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

Pursuant to the authority of Sections 42.042 and 212.172 of the Texas Local Government Code, and in consideration of the mutual agreements herein set forth and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City agrees to the Amended and Restated Comprehensive Development Agreement (Lakeside MUD No. 5) as outlined in Exhibit A.

PASSED AND APPROVED this ____ day of _____, 2019.

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