

RESOLUTION NO. 1553-17-04-11-0406

RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS, CONSENTING TO THE ANNEXATION OF APPROXIMATELY 4.99 ACRES OF LAND INTO TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 17; IMPOSING CERTAIN CONDITIONS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the owners of that certain tract of land described in Exhibit "A" attached hereto (the "Property") together with the Board of Directors of Travis County Municipal Utility District No. 17 (the "District") have requested that the City of Pflugerville, Texas, (the "City") consent to the annexation of the Property into the District; and

WHEREAS, the Property is located in the City's extraterritorial jurisdiction; and

WHEREAS, Sections 54.016 and 54.0165 of the Texas Water Code provide that land within a city's extraterritorial jurisdiction may not be included within a municipal utility district without such city's consent.

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

Section 1: That the City Council of the City of Pflugerville, Texas, hereby grants its written consent to the annexation of the Property described in Exhibit "A" into Travis County Municipal Utility District No. 17.

Section 2: That the City Council of the City of Pflugerville, Texas, hereby specifically imposes the conditions set forth in Exhibit "B" attached hereto and made a part hereof for all purposes.

Section 3: That the City Council of the City of Pflugerville, Texas, officially 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 of Pflugerville, Texas, for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered, and formally acted upon. The City Council of the City of Pflugerville, Texas, further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 4: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND APPROVED this 11th day of April, 2017.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

George Hyde, City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC

Exhibit A

Attached Field Notes of 4.99 Acres.

Exhibit B

(a) Bonds will be issued by the District only for the purpose of purchasing and constructing, or purchasing or constructing under contract with The City of Pflugerville, Texas, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, fire-fighting facilities, and parks and recreational facilities or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds will expressly provide that the District reserves the right to redeem the bonds on any interest-payment date subsequent to the fifteenth (15th) anniversary of the date of issuance (or such earlier date as the District may specify) without premium and will be sold only after the taking of public bids therefor, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. The resolution authorizing the issuance of the District's bonds will contain a provision that any pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City of Pflugerville, Texas, annexes the District, takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until The City of Pflugerville, Texas, has given its written consent by resolution of the City Council to such addition or annexation.

(b) Before the commencement of any construction within the District, the District, its directors, officers, or the developers will submit to the Director of Public Works and the City Engineer of The City of Pflugerville, Texas, or to his/her designated representative, all plans and specifications for the construction of water, sanitary sewer, and drainage facilities to serve the District and obtain the approval of such plans and specifications. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform exactly to the specifications of The City of Pflugerville, Texas. All water service lines and sewer service lines, lift stations, sewage treatment facilities, and appurtenances thereto, installed or used within the District will comply with The City of Pflugerville, Texas' standard plans and specifications. Prior to the construction of such facilities within the District, the District or its engineer will give written notice by registered or certified mail to the Director of Public Works and the City Engineer, stating the date that such construction will be commenced. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications, and with applicable standards and specifications of The City of Pflugerville, Texas; and during the progress of the construction and installation of such facilities, the Director of Public Works and the City Engineer of the City of Pflugerville, Texas, or his/her designated representative, may make periodic on-the-ground inspections.