

ORDINANCE NO.

AN ORDINANCE ADOPTING A STRATEGIC PARTNERSHIP AGREEMENT WITH THE PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 5; ANNEXING TERRITORY FOR THE LIMITED PURPOSES OF PLANNING AND ZONING; ESTABLISHING INTERIM ZONING; AND WAIVING CITY CODE SECTION 25-2-222.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council finds that:

- (A) The City of Austin and the Pilot Knob Municipal Utility District No. 5 (“District”) negotiated a Strategic Partnership Agreement (“Agreement”), attached as Exhibit 1 to this ordinance, specifying the terms for limited and full-purpose annexation of territory within the District, as described in Exhibit 2 to this ordinance.
- (B) The Agreement, and the Service Plan attached as Exhibit C to the Agreement, serve the interests of the current and future residents of the City of Austin.
- (C) Notices for two public hearings concerning adoption of the Agreement and the annexation of territory within the District for limited and full-purposes were published in a newspaper of general circulation in the District and in the City.
- (D) The City conducted public hearings regarding the Agreement and the annexation of territory within the District for limited and full purposes at Austin City Hall on April 12, 2012, and on April 26, 2012.
- (E) The District conducted two public hearings regarding the Agreement on May 22, 2012, and on May 23, 2012.
- (F) The Agreement and the Service Plan were made available prior to the public hearings in accordance with the annexation requirements of the Local Government Code.
- (G) The Service Plan was explained at the public hearings regarding the Agreement.
- (H) The Agreement was adopted by the Board of Directors of the District on May 23, 2012, in accordance with Section 43.0751 of the Local Government Code.

1 (I) All procedural requirements imposed by state law have been met for the
2 adoption of the Agreement and the Service Plan and for the limited and full-
3 purpose annexations.

4 **PART 2.** The Agreement is adopted by the Council and the City Manager is authorized
5 to execute the Agreement on behalf of the City.

6 **PART 3.** As provided by the Agreement, the territory described in Exhibit 2 to this
7 ordinance is annexed for the limited purposes of planning and zoning on the effective
8 date of this ordinance.

9 **PART 4.** As provided by the Agreement, the present boundary limits of the City are
10 amended to include the territory described in Exhibit 2 for the limited purposes of
11 planning and zoning. The territory is within the extraterritorial jurisdiction of the City of
12 Austin in Travis County, Texas.

13 **PART 5.** The Council waives the classification requirement of City Code Section 25-2-
14 222 (*Designation of Annexed Land*) for the property described in Exhibit 2 and classifies
15 the area described in Exhibit 2 as interim rural residential (I-RR).

16 **PART 6.** The City Council declares that its purpose is to include within the City of
17 Austin each part of the area described in Exhibit 2 as provided in this ordinance,
18 regardless of whether any other part of the described area is effectively annexed to the
19 City. If this ordinance is held invalid as to any part of the area annexed to the City of
20 Austin, that invalidity does not affect the effectiveness of this ordinance as to the
21 remainder of the area.

22 If any area or lands included within the description of the area set out in Exhibit 2 are: (1)
23 presently part of and included within the general limits of the City of Austin; (2)
24 presently part of and included within the limits of any other city, town, or village; or (3)
25 are not within the jurisdiction or power of the City of Austin to include within the City,
26 then that area is excluded and excepted from the area covered by this ordinance.

PART 7. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

_____, 2012

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§ _____

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk