

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CREATION OF CASCADES MUNICIPAL UTILITY DISTRICT NO. 1, THE EXECUTION OF A CONSENT AGREEMENT, THE INITIATION OF A STRATEGIC PARTNERSHIP PLANNING PROCESS, AND THE NEGOTIATION OF A STRATEGIC PARTNERSHIP AGREEMENT, AND CONTAINING CERTAIN OTHER PROVISIONS RELATING TO THE CREATION OF SUCH DISTRICT.

WHEREAS, the City of Austin, Texas, has received a Petition for Consent to the Creation of a municipal utility district to be known as Cascades Municipal Utility District No. 1 (the “District”), covering 223.68 acres of land located in the City limits and the City’s extraterritorial jurisdiction, a copy of which petition is attached as Exhibit 1;

WHEREAS, the request was subsequently amended by notice, attached as Exhibit 2, to cover only the 135.8 acres within the extraterritorial jurisdiction, which property is described in Exhibit 3 (the “Land”); and

WHEREAS, the creation of the District has previously been authorized by Chapter 8477, Subtitle F, Title 6, Texas Special District Local Laws (the “Enabling Legislation”); and

WHEREAS, in accordance with Section 54.016 of the Texas Water Code and Section 42.042 of the Local Government Code, land within the City’s extraterritorial jurisdiction may not be included within a district without the City’s written consent;

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

PART 1. The City Council consents to and authorizes the creation of Cascades Municipal Utility District No. 1 (the “District”) over the Land in accordance with the Enabling Legislation and authorize execution of the Consent Agreement between the City, Onion Associates, Ltd., and Cascades Municipal Utility District No. 1 attached as Exhibit 4 and incorporated as part of this ordinance.

PART 2. The District boundary cannot be expanded by the District or by any agreement except with approval of the City Council.

PART 3. Bonds issued by the District may mature no later than 15 years after issuance.

PART 4. The City Council approves, and the City Manager is authorized to finalize and execute, the Consent Agreement.

PART 5. The City Manager is authorized to initiate a strategic partnership planning process with Cascades Municipal Utility District No. 1 and to negotiate a Strategic Partnership Agreement, containing substantially the terms and conditions set out in the Strategic Partnership Agreement attached as Exhibit 5 and incorporated as part of this ordinance.

PART 6. The City Council waives the provisions of City Code Section 25-9-159 (*Initial Action by City Council*) requiring the Council to act by resolution and to instruct the City Attorney to prepare and provide the related documents.

PART 7. The City Council approves the cost participations, waivers and reimbursements set forth in the attached Consent Agreement.

PART 8. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014 §
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 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk