

Late Backup

MOTION SHEET NO. 1 FOR ITEM 128

August 7, 2014

Cascades Municipal Utility District No. 1 Annexation Area

- ~~1. Delete Part 2 of the Ordinance and re-number the remaining parts.~~
- 2X. Add a new Part 8 to the ordinance and re-number the existing Part 8 as Part 9 as follows:

PART 8. The City Council with respect to the annexation of the Buratti Tract which is generally identified on Exhibits L-3 and L-4 to the Consent Agreement, which is attached to this Ordinance as Exhibit 4, waives the requirements of City Code Sections 25-9-161 and 25-9-192(F).

- 3X. Revise the Consent Agreement which is attached to this Ordinance as Exhibit 4 as follows:

- a. Add the following new defined term in Section 1.01 of the Consent Agreement:

Additional Project Area: The additional land depicted on the attached Exhibit B, all or a part of which may be added to the Land and annexed into the District, subject to the requirements of this Agreement.

- b. Add the following new phrase immediately at the end of the first sentence of Section 2.01 of the Consent Agreement:

“and, subject to the requirements of Section 2.03, the future annexation of other land within the Additional Project Area into the District”

- c. Add the following new Section 2.03 to the Consent Agreement and re-number the existing Section 2.03 in the Consent Agreement to Section 2.04:

Section 2.03 Additional Project Area, Future District Annexation.

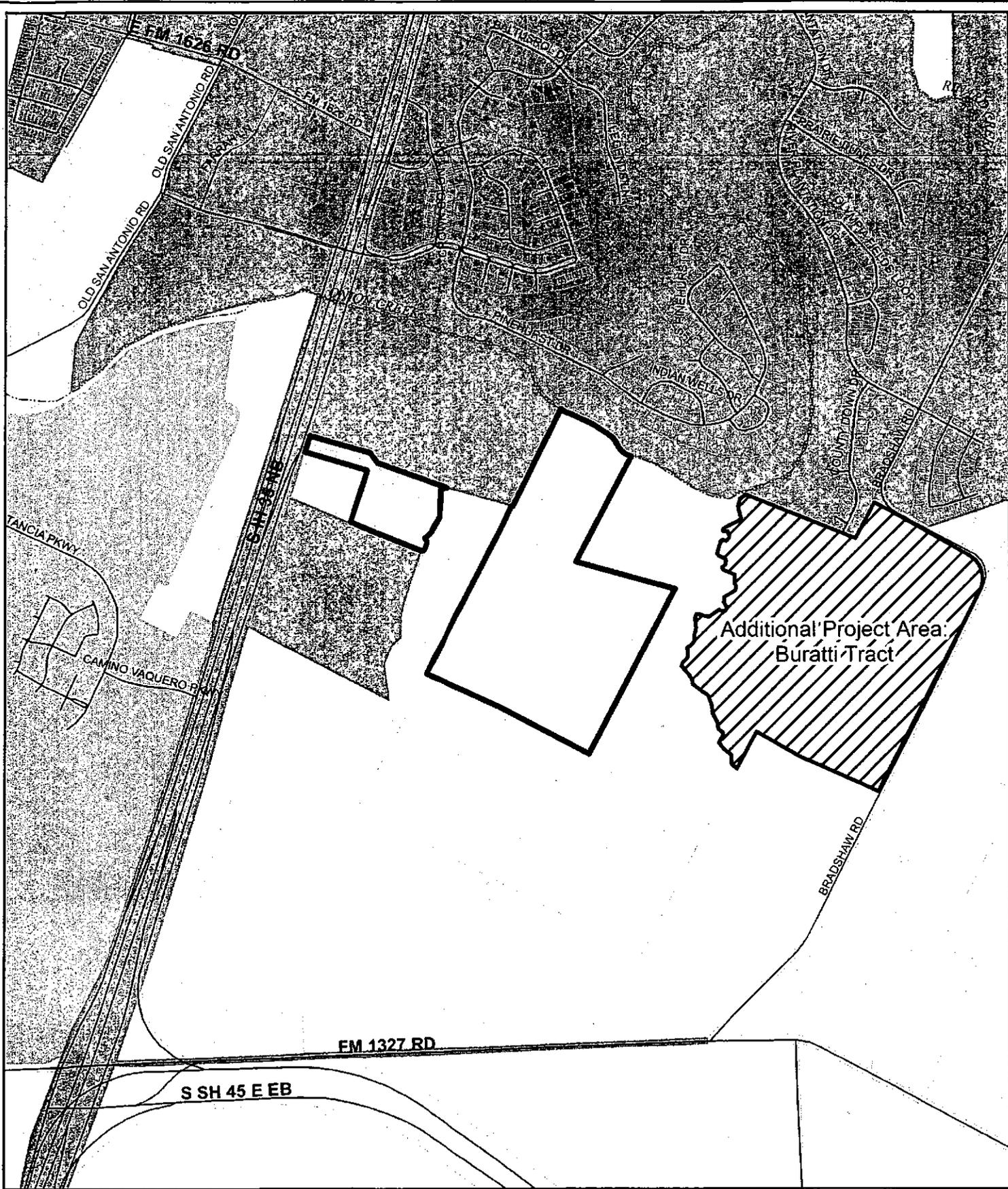
(a) **Additional Project Area.** The Developer has advised the City that, in the future, it may acquire additional land within the Additional Project Area and develop it as part of the Project. If the Developer acquires fee simple title to additional land within the

Additional Project Area, then, provided that such land is not located within the CCN of any water and/or wastewater utility provider other than the City, the City agrees that the tract may be annexed into the District, subject to the City's Limited Purpose Annexation of the tract in question and that land being bound by the terms of this Agreement and the SPA. In such case, the Developer agrees to request and participate in the voluntary Limited Purpose Annexation by the City of such land; waives the requirements of Sections 43.035, 43.071(e)(1)(b), 43.121(b)(2), and 43.127(a), Texas Local Government Code; consents to the postponement of the date for full purpose annexation; and agrees to execute any documents reasonably required by the City in connection with such Limited Purpose Annexation. Upon the Developer's submission of a request for the Limited Purpose Annexation of the tract in question and all other documents reasonably required by the City in connection with the Limited Purpose Annexation, the City consents to annexation of that tract into the District and agrees that no further City consent to the annexation will be required; however, the City agrees to provide a resolution evidencing such consent if requested to do so by the Developer or by the District.

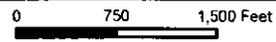
(b) Annexation Notice. If any tract within the Additional Project Area is annexed by the District under the authority provided by this Section, the District must, within ten days of the date of the Board's adoption of an order approving the annexation, provide the City with a certified copy of the annexation order, including a metes and bounds description of the annexed tract, and a revised boundary map of the District.

(c) Annexed Areas Subject to this Agreement and SPA. Any areas annexed by the District under this Section will be included in the Land and subject to all terms of this Agreement and the SPA that are applicable to other land within the District.

- d. Change the phrase "Land" in the first sentence of re-numbered Section 2.04 of the Consent Agreement to "Additional Project Area."
- e. Change the phrase "Buratti Tract identified in Exhibits L-3 and L-4" in Sections 6.03 and 10.04 of the Consent Agreement to "Additional Project Area."
- f. Change the phrase "any additional land" in Section 8.03 of the Consent Agreement to "the Additional Project Area."
- g. Change the title of Exhibit B in Section 12.10 of the Consent Agreement to read "Project and Additional Project Area."
- h. Substitute the attached Attachment One for Exhibit B in the Consent Agreement.
- i. Change the phrase "any additional land" in paragraph 9 of Exhibit H of the Consent Agreement to "the Additional Project Area."



Cascades Municipal Utility District No. 1
C7L-2014-0001



LEGEND

- Annexation Area
- Additional Project Area
- Parcels
- Street
- Major Creek

Jurisdiction

- Austin Full Purpose
- Austin Limited Purpose
- Austin ETJ
- Other City or ETJ

1 in = 1,438 feet



City of Austin
 PDRD
 August 5, 2014

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