

ORDINANCE NO. _____

1 AN ORDINANCE EXTENDING THE BOUNDARY LIMITS OF THE CITY TO
2 INCLUDE WITHIN THE FULL PURPOSE CITY LIMITS, ADDITIONAL
3 TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN
4 REFERRED TO AS THE "LOST CREEK MUD REMAINING PROPERTY,"
5 CONSISTING OF APPROXIMATELY 738 ACRES OF LAND OUT OF THE
6 JOHN SWESEY SURVEY NO. 506, THE ALEXANDER EANES SURVEY NO.
7 506 AND THE ALEXANDER EANES SURVEY NO. 507 IN TRAVIS COUNTY,
8 TEXAS IN ACCORDANCE WITH THE STRATEGIC PARTNERSHIP
9 AGREEMENT BETWEEN THE CITY AND THE LOST CREEK MUNICIPAL
10 UTILITY DISTRICT.
11

12 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
13

14 **PART 1.** The Council finds that:
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- 16 (A) The City and Lost Creek Municipal Utility District ("MUD") negotiated a
17 Strategic Partnership Agreement ("SPA"), in accordance with state law,
18 specifying terms for annexation and related issues. Following arbitration
19 and litigation over the Agreement, the Agreement was upheld, and the
20 parties executed the Agreement. The SPA was amended on March 12, 2013.
21
- 22 (B) The annexation of the territory described in Exhibit A serves the interest of
23 the current and future residents of the City of Austin.
24
- 25 (C) All procedural requirements imposed by state law and the SPA for the full
26 purpose annexation of territory described in Exhibit A have been met.
27

28 **PART 2.** The territory described in Exhibit A is annexed for full purposes as provided
29 by the SPA and authorized by Section 43.0751 of the Texas Local Government Code
30 effective December 15, 2015.
31

32 **PART 3.** As provides by the SPA, the MUD is converted to the Lost Creek Limited
33 District ("Limited District") on December 15, 2015. The Limited District shall maintain,
34 operate, control, and assume responsibility for the Limited District Facilities located
35 within the Limited District pursuant to the terms of the SPA. In accordance with state
36 law, the City shall assume ownership of property and other assets and shall assume debts,
37 liabilities, and obligations of the MUD as described in the SPA.
38

1 **PART 4.** The City Council declares that its purpose is to include within the City of
2 Austin each part of the area described in Exhibit A as provided in this ordinance,
3 regardless of whether any other part of the described area is effectively annexed to the
4 City. If this ordinance is held invalid as to any part of the area annexed to the City of
5 Austin, that invalidity does not affect the effectiveness of this ordinance as to the
6 remainder of the area.
7

8 If any area or lands included within the description of the area set out in Exhibit A are:
9 (1) presently part of and included within the general limits of the City of Austin; (2)
10 presently part of and included within the limits of any other city, town, or village; or (3)
11 are not within the jurisdiction or power of the City of Austin to include within the City,
12 then that area is excluded and excepted from the area covered by this ordinance.
13

14 **PART 5.** This ordinance takes effect on December 15, 2015.
15

16 **PASSED AND APPROVED**

17
18 §
19 §
20 _____, 2015 § _____
21 Steve Adler
22 Mayor
23

24
25 **APPROVED:** _____ **ATTEST:** _____
26 Anne L. Morgan Jannette S. Goodall
27 Interim City Attorney City Clerk
28
29